

"I'm curious how you expect to structure a school, hire teachers, have a building, engage computers if...the funding is completely dependent upon if in a year whether or not a certain number of hours have been counted. That's not how you would manage anything," Mr. Little told reporters after the hearing.

Representing the state, Douglas Cole said that traditional and e-schools are funded under separate statutes so they can't be compared.

"They're trying to divorce this notion that duration matters, but as we all know as a matter of commonsense in terms of students getting educated, duration does matter," he said of ECOT.

He contested ECOT's claim that the school was unaware it would be asked to provide records of student participation for the 2015-16 school year to determine full-time attendance, saying ODE's audit manual has included language specifying its importance since 2010.

"All along I think there's been a view on the part of the department that we need to make sure a.) that students are there and participating and getting an education and b.) that Ohio taxpayers are getting the educational services that they're paying for," Mr. Cole said.

ODE chose to use its authority to dig deeper into attendance in response to concerns about student participation, he said, suggesting ECOT doesn't take the policy change seriously because it continued to over report students in the 2016-17 school year long after the lawsuit was filed.

Mr. Cole likened the FTE audit situation to one where the Internal Revenue Service asks taxpayers for copies of receipts to verify filings. The requests may not have been made in the past, but that doesn't make them invalid or preclude taxpayers from complying, he said.

Any ambiguity in the statute or the agency's FTE manual shouldn't be interpreted by the court if it results in "an entity receiving \$100 million plus if not even a single student receives a minute of education," he said.

"The court has called it a cardinal rule...of statutory interpretation that, whenever possible, statute should be interpreted to avoid absurd results," Mr. Cole said.

### **Consumers Advocates Voice Ongoing Concerns Over Telecom Regulation Bill**

Telecom companies and consumer advocates continued to share differences Tuesday over a bill that would enable local phone companies to secure 20% annual rate increases.

Against the backdrop of that continuing debate, the House Public Utilities Committee adopted a substitute version (HB 402) from Rep. Rick Carfagna (R-Westerville) making a handful of changes to the bill, including:

- Removing changes to the definition of "telephone company" describing such companies as those offering a local telephone directory to customers or listing business names in a directory assistance database.
- Restoring existing language stating no domestic telephone company shall merge with another without prior approval of the Public Utilities Commission of Ohio and requiring the PUCO to adopt rules to implement that code section.
- Adding language stating the acquisition language does not apply for entities for which there is a pending application before the Federal Communications Commission. A company filing for a merger with the FCC must notify the PUCO.
- Restoring language eliminated in the prior version of the bill that would list among the state's policy objectives: recognizing the continuing emergency of a competitive telecommunications environment through flexible regulatory treatment and provide for equivalent regulation of all telephone companies.

Phone companies and the Ohio Telecom Association argue the legislation is needed considering that Ohio's last telecom regulatory overhaul was nearly a decade ago.

"The bill modernizes state policy and levels the playing field for all providers in response to explosive competition we've seen in the past decade," Jon Kelly, outside counsel for AT&T, testified during the bill's fourth hearing.

"When many of the current rules were written, companies like the OTA members were treated as monopolies," he continued. "They no longer fit that monopoly, public utility model."

The bill would enable companies to seek annual increases of \$1.25 or up to 20% if the carrier can prove the exchange is competitive. An exemption to that limit can be had if an increase is deemed necessary if an incumbent local exchange carrier to reach the urban rate floor set by the Federal Communications Commission.

But those potential increases could be particularly harmful for low or fixed income customers, advocates told lawmakers during the hearing.

Mary Ellen Nose, paralegal for Southeastern Ohio Legal Services, called the bill's provision permitting 20% annual increases in charges for basic landline service "of great concern."

"This would impact all customers, but particularly adversely affect those on fixed or low incomes," she said. "This could cause many basic service customers to choose between

phone service and other essentials, such as food, clothing and rent. Ohio residents should not have to make that choice."

Secondly, the measure would eliminate service quality standards, erasing key consumer protections, the witness argued.

"The law currently provides only a modicum of consumer protections, such as crediting customers if their phone service isn't repaired within three business days or giving ample time to pay their bills," Ms. Nose said. "These protections are needed. Customers should not have to pay for service they don't receive and should not be pressured into paying for service on short notice. But the bill would eliminate even these minimal protections."

Rep. Dick Stein (R-Norwalk) said his understanding was the bill would limit increases in areas in which there is no competition and only one provider. The impact of the bill on rural Ohioans, he suggested, would therefore be more limited considering the lack of competition in some of those areas.

Michael Walters, legal hotline managing attorney for Pro Seniors Inc., said seniors depend on those services.

"Elderly and poor Ohioans need access to affordable, reliable, basic telephone service," he testified. "This bill would significantly diminish telephone companies' obligations to provide affordable, reliable, or even basic telephone service to Ohio consumers."

Mr. Walters said the hotline receives about 6,000 calls each year from seniors needing legal assistance. The "overwhelming majority" come from landline phones, he said.

"To allow telephone companies to increase their monthly charges for basic service to consumers by 20% (including Lifeline customers) annually could have a financially devastating impact on elderly and low-income Ohioans who rely on telephone service to manage critical needs," he wrote.

In written testimony, Graham Bowman, staff attorney for the Ohio Poverty Law Center, said he agrees with other opponents' take on the measure.

"The potential for 20% increases in basic telephone service rates could harm many low-income Ohioans," Mr. Bowman wrote. "And, the elimination of service quality standards for basic service would make the service they pay for less reliable."

Mr. Kelly, in response to concerns about the repeal of service quality requirements, said the bill would not change the telecom complaint statute, which gives the Public Utilities Commission of Ohio "broad powers to address any unjust or unreasonable rate, service or practice."

"Moreover, like pricing, the marketplace adequately controls service quality in this sector," Mr. Kelly said. "Customers can and do 'vote with their feet.' ... These businesses are not in the business to lose customers."

Chairman Rep. Bob Cupp (R-Lima) questioned whether the PUCO would have the authority under the bill to create rules requiring reliable or adequate service. Mr. Kelly replied that the commission in his view would not be able to adopt rules mirroring the current law requiring reliable service which the bill would repeal.

### **Wind Energy Developer, Rural Co-ops Butt Heads On Tax Exemption Bill**

A bill to clarify an existing exemption for the kilowatt-hour tax drew mixed reactions before the House Public Utilities Committee Tuesday.

Proponents - those looking to resume benefiting from the credit - urged lawmakers to support the measure during the bill's second hearing (HB 143). They say the measure is needed because the Department of Taxation's recent interpretation of existing law has prevented them from qualifying the exemption.

The proposal from Rep. Robert Sprague (R-Findlay) would modify the definition of an electric distribution utility to exclude self-generators or an agent who both contracts with a self-generator and installs, owns or operates a facility producing electricity dedicated to meeting some or all needs of a self-generator.

In doing so, it would ensure that companies such as One Energy Enterprises - a wind developer that has partnered to finance and operate on-site wind turbines for Whirlpool Corporation - would be granted the exemption.

Tom Zaino, tax counsel to One Energy, said ODT's current interpretation is that a company generating on site power through a third-party is ineligible for the exemption. That, he argued, flies in the face of the legislature's intent in passing the 2001 exemption.

"Many companies in Ohio have already made the choice to self-generate electricity in order to have more control of their electricity needs, as well as to stabilize and reduce their electricity costs over a long period of time," Mr. Zaino said. "The Department of Taxation's new interpretation endangers future investment by manufacturers and their partners in on-site energy generation."

Added One Energy CEO Jeremy Kent: "The current stance of the Ohio Department of Taxation is a self-generator in the state of Ohio does not necessarily self generate and may subject to the kWh tax."

Rep. Bill Seitz (R-Cincinnati) questioned One Energy representatives on the current law, which states an electric distribution company "does not include an end user of electricity...who self-generates electricity that is used directly by that end user on the same site that the electricity is generated...."

"So to the extent you are providing the electricity from a site the customer doesn't own to a site the customer doesn't own then it seems the tax would properly be assessed

because the end user is not using the same site the electricity is generated on," Rep. Seitz said.

Mr. Kent, in response, said a more expansive definition of "self-generator" exists elsewhere in Ohio code - in language pertaining to net metering - and that ODT should use that code section to inform its handling of the exemption.

That definition states a self-generator may be an entity owning or hosting on its premises a generation facility that is installed or operated by the owner or by an agent under contract.

But Kurt Helfrich, general counsel for Buckeye Power and Ohio Rural Electric Cooperatives, said the bill "would provide third-party generators with special tax treatment relative to other more traditional power suppliers."

The exemption is only available for "true" self-generators, Mr. Helfrich argued, which are customers who own their own generation on their own premises for serving their own load. The bill, he said, would expand the exemption to include companies acting as public utilities.

"It appears that the proposed changes are designed to provide a competitive advantage and tax subsidy to public utility-type competitors to traditional public utilities rather than as an exemption for true self-generators," Mr. Helfrich said.

Rep. Seitz quizzed Mr. Helfrich on the secondary definition of self-generator. If the One Energy facility in question is operated under contract with Whirlpool why should the tax exemption not apply? he asked.

In response, Mr. Helfrich said the groups believe there are "serious issues" when the retail sale of electricity is involved as he said is the case with companies such as One Energy who can sell excess energy to the grid.

"We understand that self-generators shouldn't have to pay," he said. "But we don't see that a company that is selling to a customer is a self-generator. Actually it's not. It looks a lot like us."

Support for the legislation was also expressed by Kevin Murray, executive director of Industrial Energy Users-Ohio, and Ryan Augsburger, vice president and managing director of public policy services for the Ohio Manufacturers' Association.

Mr. Murray said ODT's current claims "have created uncertainty about the cost of behind the meter generation projects and prompted litigation that also chills interest in behind the meter projects that are otherwise useful to individual customers."

Added Mr. Augsburger: "We have discussed this overly restrictive interpretation with officials from the department, but the department has been unwilling to reconsider the matter. Therefore, legislative clarification is appropriate and necessary."

Bob Lapp, president of the Manufacturing Policy Alliance, also submitted written proponent testimony.

### **State Tax Law Update Requires Only Tweaks Stemming From Federal Changes**

A fast-tracked measure to revise Ohio's tax code to match recent federal law revisions is packed with mostly minor amendments, reflecting the relatively minimal impacts to state statutes prompted by the congressional action.

Unlike in states such as Michigan, where the massive corporate tax cuts in the federal bill translated to a potential revenue windfall for that state along with higher personal income taxes, the changes won't cause major ripples in Ohio, according to the Department of Taxation. That's mainly because Ohio, thanks to the extensive revisions of 2005, no longer has a corporate franchise tax.

As such, legislation (SB 22) outlined Tuesday by Sen. Bob Peterson (R-Sabina) would only include a number of tweaks to mirror the federal legislation but no significant provisions affecting state revenue or taxpayers in general.

Originally introduced as a companion to a measure that updated prior tax laws to sync with federal updates (HB 11), the sponsor said the Senate bill will be amended with several provisions with the goal of quickly enacting the changes, so they are in place for in time for filers this year.

Perhaps the most significant for taxpayers in general is language regarding dependent claims on tax forms.

"In the Ohio Revised Code, it says that in order for a dependent to be claimed on State taxes, they must also be claimed on your Federal return," Sen. Peterson explained. "Since the personal exemption for dependents is no longer claimed on the federal returns, the amendments to Senate Bill 22 will remove the Federal claim requirement, thus allowing residents to continue to claim dependents on their State taxes despite the Federal suspension."

Other amendments planned for the bill, as recommended by ODT, are:

- Designation of the Sinai Peninsula as a combat zone, which will allow military personnel serving in that region to be exempt from the Ohio income tax as in previous combat service.
- Clearance for businesses to temporarily expense accelerated depreciation on used assets purchased from Sept. 28, 2017 to Dec. 31, 2022.
- The addition of school district income taxes to the already existing conformity statute found in 5701.11.

- Applying to state agency employees a requirement that those accessing personal Federal Taxpayer Information be subject to an FBI background check and fingerprinting.
- Harmonization of the due date for the aviation fuel dealer report with all other motor fuel reports, which will now be due between the 23<sup>rd</sup> and end of each month, and correction of an error in stating who is subject to the reports.
- Reinstatement of "incorrectly removed" definitions of "terminal" and "consumer" in the motor fuel tax sections of the revised code.
- A requirement for pass-through entity investors to file a K-1 form at the time of filing their return.

Sen. Peterson said the latter change would "help the Ohio Department of Taxation to more quickly identify proof of the investor's ownership in the PTE and ensure no delay in processing their return."

"Despite being technical in nature, the goal of Senate Bill 22 is simple: to conform the ORC to match the significant changes that the Federal government has enacted for the 2017 tax year and thereby allow Ohioans to maximize their exemptions, benefits and potential refunds," the sponsor said.

Tim Lynch, legislative liaison for ODT, said in an interview that absent the changes being enacted, a number of Ohioans could see a tax increase in 2018.

However, because the federal bill largely focused on corporate income taxes, the net effect of those changes won't directly impact Ohio.

"We just don't see a revenue impact one way or the other because of that," Mr. Lynch said.

Nevertheless, the state did recently cite the federal law changes in explaining how state tax revenue saw an uptick compared to estimates last month - namely as filers adjusted payments to try to capitalize as much as possible on the federal revisions. (See Gongwer Ohio Report, February 6, 2018)

Mr. Lynch described ODT's outlook on other impacts of the federal law moving forward as "indeterminant due to behavior effects."

#### **Cordray Slates Event With Pillich, Who Plans To Exit Governor's Race**

One week after announcing the endorsement of EMILY's List in her bid for governor, former Rep. Connie Pillich plans to exit the race and endorse Richard Cordray, campaign sources said Tuesday.

Mr. Cordray announced a joint event with the attorney and her running mate, Scott Schertzer, for 11 a.m. Wednesday at the Democrat's campaign headquarters in Columbus.

Ms. Pillich was the last female candidate left standing after the exits of Dayton Mayor Nan Whaley, who also endorsed Mr. Cordray; and former lawmaker Betty Sutton, who joined the former attorney general's campaign as his running mate.

Buoyed by recent events that promise to attract more women to the polls and to public service, Ms. Pillich as recently as two weeks ago said that momentum would serve her campaign well. (See Gongwer Ohio Report, January 30, 2018)

However, the latest campaign finance reports showed Mr. Cordray, the former director of the national Consumer Financial Protection Bureau, had doubled up her on-hand cash total by collecting \$2 million in contributions just two months after entering the race. (See Gongwer Ohio Report, January 31, 2018)

Along with Mr. Cordray, the remaining field for the Democratic nomination includes Sen. Joe Schiavoni (D-Boardman), former Congressman Dennis Kucinich, former Ohio Supreme Court Justice Bill O'Neill, Cleveland physician Jon Heavey, Larry Ealy and Paul E. Ray.

Sen. Schiavoni said Ms. Pillich has a passion that Ohio needs in its leaders. "Sadly, this is the next step in the political playbook," he said in a statement. "Another qualified candidate drops out because insiders say there's only one choice. But we all know Democrats lose when we follow the political playbook. This year, I'm going to provide another option."

The lawmaker added that the move creates a new primary. "Every single one of my original opponents is gone," he said. "Everybody else has just joined the race. More than ever, we need a candidate who has been here, working on issues that matter to Ohio voters. I won't be pressured into allowing history to repeat itself."

### **Amended 'Stand Your Ground' Bill Still Draws Debate**

Gun rights groups and law enforcement continue to be at odds over legislation to shift the burden of proof in self-defense cases and expand instances in which there is no duty to retreat.

Law enforcement officials said no changes are needed to current law. However, gun rights groups and a gun owner touted a provision in the legislation (HB 228) designed to thwart efforts by local governments to implement gun restrictions.

Prior to hearing testimony, the House Federalism & Interstate Relations Committee accepted an amendment offered by Rep. Scott Lipps (R-Franklin) to lower the burden of proof for the element of self-defense from beyond a reasonable doubt to the preponderance of evidence.

Under the bill, political subdivisions found to have violated a person's Second Amendment rights through an ordinance restricting firearms would be on the hook for all court costs associated with a legal challenge.

Doug Deeken, director of Ohioans for Concealed Carry, said municipalities sometimes seek to restrict gun rights and once faced with a lawsuit will change the ordinance so the legal action becomes moot.

He told members of the panel that the provision is a "solution to this tactic of evasion and should help prompt cities to work with us before these fights make it to court."

Gun owner Darrin Moore in written proponent testimony said the measure will ensure that Ohioans across the state can be confident they are not breaking the law when traveling in the state.

"If law-abiding resident of Ohio understands the rules in Cincinnati then drives across the state to Cleveland, then they should have confidence knowing that they are not violating any laws as they travel," he said.

The state's prosecutor's main concern with the bill is shifting the burden of proof in self-defense cases. Under current law, a defendant must prove they acted in self-defense.

The bill, Ohio Prosecuting Attorneys Association Executive Director Lou Tobin said, "rests on the idea that prosecutors are charging and obtaining convictions in cases where the use of force was justifiable."

"We simply do not believe this to be the case," he said. "We should have faith in elected officials' judgement and trust that they will use their discretion wisely."

In response to a question from Rep. Glenn Holmes (D-McDonald), Mr. Tobin said the OPAA believes the change to the bill makes it better, but that the burden of proof does not need to be shifted to the state.

But in interested party testimony, the Office of the Ohio Public Defender said the burden should be shifted in self-defense cases.

Niki Clum, OPD legislative liaison, said Ohio is the only state in the nation that places the burden on the accused. However, she also called into question the constitutionality of the amendment to the bill.

"The state is constitutionally required to prove every element of an offense beyond a reasonable doubt," she said. "By lowering the standard for this element, the bill has created an unconstitutional situation where the state must prove an element of the offense by only a preponderance of evidence. Self-defense must either be an affirmative defense where the defendant has the burden, or an element of the offense that must be proven beyond a reasonable doubt."

Rep. John Becker (R-Union Twp.) said he was unable to find such language in the constitution. In response, Ms. Clum was it comes from well-established case law.

Staff Lt. Kevin Miller of the Ohio State Highway Patrol raised several concerns about the bill, including provisions reducing the penalties for illegally carrying a firearm.

"The reduction in penalty is particularly concerning because law enforcement officers cannot make custodial arrests for minor misdemeanor violations," he said in written opponent testimony. "In effect, HB228 removes all incentive for individuals to go through the permitting process, and it shields the criminal element - those who cannot pass a background check - from a custodial arrest."

Another provision of the bill would make Ohio a "stand-your-ground" state, which the Ohio Association of Police Chiefs said will make a criminal homicide a justifiable homicide. The OPAA also highlighted that portion of the bill as concerning.

"The only thing holding some individuals back is the duty to retreat-they know that unnecessary or excessive violence could land them in prison," the group said in written opponent testimony. "Remove the duty to retreat, you remove a legal constraint that will allow pride, passion, and ego to prevail over common sense."

The panel also received written opponent testimony from Jackie Jackson of Moms Demand Action for Gun Sense in America.

### **Opponents Of Bill To Ban Abortion Procedure Continue To Question Its Constitutionality**

Doctors, pro-abortion rights groups and others on Tuesday continued to call into question the constitutionality of a bill that would ban one of the most commonly used forms of abortion.

Jaime Miracle, deputy director of NARAL Pro-Choice Ohio, told members of the House Criminal Justice Committee that the legislation (SB 145) to ban "dismemberment abortions," also known as dilation and evacuation, is contrary to at least two U.S. Supreme Court decisions.

In one case, *Gonzales v. Carhart*, the high court upheld a ban on partial-birth abortions, but in doing so cited the availability of the procedure the bill seeks to outlaw, she said.

In the other case, *Whole Women's Health v. Hellerstedt*, the court clarified its "undue burden" standard.

"Forcing women to undergo a procedure that may result in more complications does not meet the standard of ensuring that the burden placed on abortion access is outweighed by the benefits they confer," Ms. Miracle said.

Susan Reis, state policy advocate for the National Council of Jewish Women, said the procedure the bill would ban is the safest and most effective way to end a pregnancy in the second trimester.

"Instead of using Ohio's limited tax dollars to defend this unconstitutional ban, we believe our taxpayer dollars should be spent in areas that have been proven to provide support for health care - including access to prenatal health care, better access to reproductive healthcare such as fertility treatment and contraception, paid maternity leave and accurate, comprehensive sex education," she said.

Margaret Light-Scotece, a board member of Women Have Options, echoed those sentiments and took the bill's proponents to task for what she called their "inflammatory rhetoric to stigmatize a medical procedure."

Parvaneh Nour, a medical student at Wright State University, said the procedure the bill looks to ban is used to end wanted pregnancies that are determined to be incompatible with life outside of a uterus.

"By prohibiting the D&E procedure, a procedure where patients are often able to go home on the same day, you will be forcing patients to undergo the many and long hours of labor and subsequent traumatic birth process," she said. "For those fetal anomalies that will not fit through the birth canal, this may result in an invasive and potentially life-threatening C-section that (if successful) requires weeks of recovery."

Ms. Nour also warned that the measure has the potential to result in young doctors choosing not to work in Ohio.

"For those of us who want to work together with our government to provide patients with comprehensive reproductive care, this bill quite simply means leaving this state," she said. "At present, Ohio is categorized as an 'extremely hostile state' in regards to comprehensive reproductive care. This bill will undoubtedly cost Ohio countless qualified and compassionate care providers."

Dr. Joan Lederer, a psychiatrist, said the legislation imposes a more emotionally traumatic procedure on women.

### **Farm, Environmental Groups Back Bill Creating Incentives For Riverbank Buffers**

Proponents of a bill to provide a property tax exemption for farmers who create buffers to keep fertilizer and other runoff from ending up in waterways touted the proposal Tuesday as one tool the state can use to prevent harmful algal blooms in Lake Erie.

Environmental and farm groups told the House Energy & Natural Resources Committee the proposal (HB 460) would create an incentive for farmers to practice responsible property management.

Peter Bucher, water resources director for the Ohio Environmental Council, said the bill reflects an approach the state can use to reduce phosphorus runoff into western Lake Erie by encouraging farmers and landowners to set aside part of their property that borders water as a buffer.

"When constructed with the proper vegetation, buffer strips can drastically prevent nutrient runoff and sediments from entering neighboring bodies of water," he said. "Implementing buffer strips can help individuals and the watershed as a whole reduce the nutrients that are entering the Western Lake Erie Basin through runoff."

People who want to develop buffer strips on their property can work with their county soil and water conservation district to design the buffers, he said. The bill would create a property tax exemption for the land in the program.

"Incentives such as this will need to be one of the many tools that Ohio implements to continue improving the water quality in Lake Erie to reach our phosphorus reduction goals," Mr. Bucher said.

Chairman Rep. Al Landis (R-Dover) asked if other states have implemented similar proposals.

Minnesota has mandated the riparian buffers, Mr. Bucher said. That is a recent change, he added, and Ohio's proposal is permissive, not mandatory.

Joe Logan, president of the Ohio Farmers Union, said the bill would help encourage farmers to take a more active role in protecting the environment by mitigating the costs of the work.

"We believe that House Bill 460 can be a useful tool in bridging the gap between the need for farmers to maximize production and revenue from farm land and the need to protect the environment," he said. "It does so in a very fair and practical way, by reducing the tax burden on land that is used specifically to protect water quality that might be affected by agricultural practices on the farm."

The tax changes in the bill would also help mitigate the tax increases farmers have faced in the past decade, Mr. Logan said.

The bill would also hold school districts harmless, requiring state general revenue funds to offset revenue losses at the county level, he said.

Bill Stanley, assistant director for the state chapter of Nature Conservancy, said the bill would create a market-based incentive for responsible use of fertilizer and nutrients.

"In addition to sound in-field nutrient management, we encourage farmers all over the state to put in riparian buffers, including grass buffer strips, and other conservation practices to help reduce and filter out phosphorus and nitrogen runoff, which feed

harmful algal blooms and dead zones," he said. "Unfortunately, to do this, land must be taken out of production and the farmer faces the costs."

Reducing the flow of agricultural nutrients into waterways will take a combination of regulations and voluntary measures, Mr. Stanley said. The creation of riparian buffers and wetlands could also help restore recreational opportunities and wildlife habitats.

One concern with the bill is the added strain that would be faced by county soil and water conservation districts, which already face limited resources.

Tony Seegers, director of state policy for the Ohio Farm Bureau, said the bill would encourage a "tried and true" conservation approach used by farmers.

"HB460 builds on the continuing efforts of agriculture by providing additional assistance for those farmers in the Western Lake Erie basin to take land out of production and change it into a riparian buffer," he said. "The bill will be another tool in the farmer's tool box to help improve water quality in the basin."

Rep. Scott Wiggam (R-Wooster) said the fiscal effect of the bill is uncertain.

Mr. Seegers said an estimate of the land currently within riparian buffers is possible and could be helpful in calculating the financial impact.

### **Private Schools Support Bill To Add F-1 Visa Students To Sports Rosters**

The Ohio High School Athletic Association touts the benefits of participating in sports, but not all students have the opportunity to do so under the group's current bylaws, witnesses told the House Education & Career Readiness Committee Tuesday.

Dan Dodd, executive director of the Ohio Association of Independent Schools, and others are supporting a measure (HB 442) that would permit students studying in Ohio under an F-1 visa to participate in interscholastic sports.

Ohio is "an outlier" in the Midwest in that it doesn't currently allow students on an F-1 visa to play sports, Mr. Dodd said.

The common argument against permitting them to play sports is that they could be recruited, but there are OSHAA bylaws in place that prohibit recruitment in any scenario, Mr. Dodd said.

"There are public and private high schools throughout Ohio that are nationally and internationally known for the high quality education they provide to students. Families from around the world rightfully consider Ohio's schools when making a decision on the education of a student not from Ohio," he said.

"To these parents and students, Ohio, and America, can open doors that may otherwise be closed to them in their home countries," Mr. Dodd continued. "Imagine the hope and optimism that those students must feel when they get to their new school in Ohio, and the disappointment they must feel when they realize that they are to be treated as second-class students when it comes to sports. These students deserve better."

Mr. Dodd told Rep. Dan Ramos (D-Lorain) that international students would be required, like other students, to complete physicals and receive authorization for those to participate.

Rep. Steve Huffman (R-Tipp City) questioned why OAIS is looking to the General Assembly to step in when current OSHAA bylaws are voted on by member schools. He asked if the process to change bylaws has been pursued.

"It appears that you would like to see the state cure the problem of a private organization that you don't like the rules (of, but) that you chose to be part of," he said.

The last time amendments on the topic were proposed to the OHSAA board was in the late 1990s and there hasn't been an appetite to put it up for a vote, Mr. Dodd said, noting that most members represent publicly funded schools.

President Trump has voiced a desire to reduce the number of visa holders in the country, Rep. Tavia Galonski (D-Akron) said. She asked why schools would pursue legislation when visa holders could become fewer and farther between.

"Whether it's a public or private school, 10 or 1,000 (students), they ought to have the opportunity to participate," Mr. Dodd said. His response came despite Chairman Rep. Andy Brenner (R-Powell) told the witness he didn't have to answer Rep. Galonski's question.

Answering additional questions from the panel, Mr. Dodd said other states have employed various flexibilities for F-1 visa holders and it's difficult for the few schools that aren't OHSAA members to schedule athletic events.

Mario Carrillo, Miami Valley Schools athletic director, also offered support for the bill, telling the committee there are currently 17 international students attending high school in his district on an F-1 visa.

"Athletics at our school provides an opportunity for the student-athletes to learn and experience abilities and skills such as collaboration, commitment, teamwork, camaraderie, responsibility, discipline, accountability and physical activity just to name a few of the benefits. Athletics is a wonderful social and emotional place to learn and experience many of these areas," he said. "By telling our international students that they cannot participate in sports at our school takes away from them these opportunities."

Rep. Huffman asked what would stop schools from recruiting players from other countries to ensure they can win national competitions against states with less flexibility for visa students.

"I'm hoping that many of our schools look at this as an opportunity to help students experience what high school athletics are about, not...use it to gain some sort of competitive advantage," Mr. Carrillo said.

Xu Jia, an international student from China and senior at Maumee Valley Country Day School, said she joined the field hockey team and participates in practices but is unable to play because of OSHAA bylaws.

She said she was elated when she notified that she'd be able to play in games this year as the result of a law change, but disappointed to learn it was a special privilege and doesn't apply to most international students across the state.

### **Ohio Congressional Members Push For Funding Asian Carp Study As Trump Proposes New Cuts**

Ohio congressional delegates are pressing for full funding of a pending study on how best to steer invasive Asian carp away from Lake Erie even as President Donald Trump proposed cuts to environmental funding.

The president's plan came to light Monday as part of his proposed Fiscal Year 2019 budget, teeing up another clash between the administration and Great Lakes-area lawmakers and advocates.

The administration is proposing a 34% reduction for the U.S. Environmental Protection Agency. That's similar to the initial 31% increase proposed last year that environmental groups cautioned would be a death knell to vital resources. (See Gongwer Ohio Report, August 24, 2017)

It also proposes just \$30 million - or about one-tenth previous funding - for the Great Lakes Restoration Initiative. Lawmakers last cycle ditched proposed cuts to the GLRI, opting instead to fully fund the program. (See Gongwer Ohio Report, November 24, 2017)

"We were all very disappointed to see that the president's budget once again fails to recognize the value of GLRI and the importance of the Lakes to our region," said Great Lakes Task Force co-chairs U.S. Rep. Marcy Kaptur (D-Toledo) and U.S. Rep. Dave Joyce (R-Novelty). "We look forward to working together, once again, to provide necessary funding for the health and safety of our Great Lakes."

Regarding the study, the call from lawmakers focuses on the Brandon Road study, a report from the U.S. Army Corps of Engineers that spells out \$275 million in proposals to upgrade the Brandon Road Lock and Dam in Illinois to shield the lake from invasive species.

First expected in February 2017, a draft of the study was released in August but lawmakers and advocates have continued criticizing the Corps and the Trump Administration for continued delays in finalizing the report. (See Gongwer Ohio Report, August 7, 2017)

Twenty-six congressional members now have urged leaders of the House Committee on Appropriations - including U.S. Rep. Kaptur - to include full funding needed to complete the report in any forthcoming funding plan.

Those signing the missive include Rep. Joyce, U.S. Rep. Bob Latta (R-Bowling Green) and U.S. Rep. Jim Renacci (R-Alliance). They said that current barriers, which cost nearly \$400 million, are temporary and have already seen one known Asian carp pass through only to be found nine miles from Lake Michigan. (See Gongwer Ohio Report, June 30, 2017)

The group is asking that funding be allotted to complete and release the final report by February 2019. "With Asian carp on the shores of Lake Michigan, it is more important than ever to comply with this designated schedule without further delays," reads the letter.

Rep. Kaptur, who received the letter because of her role as ranking member of the committee's Subcommittee on Energy and Water Development and Related Agencies, applauded the effort. She also co-chairs the Great Lakes Task Force.

"Our coalition to protect the Lakes and address our many shared challenges grows stronger by the day," Rep. Kaptur said. "I commend my colleagues on their letter, and I will make sure it receives attention on the Appropriations Committee."

At the same time, the Alliance for the Great Lakes said pressing lawmakers to fully fund recommendations issued in the draft report will be a key policy priority for 2018.

The alliance said other invasive species - such as certain types of mussels and water fleas - have caused "irreparable harm" to the Great Lakes to the tune of \$200 million in economic damage a year.

"If Asian carp reach the Great Lakes, these voracious eaters could have a catastrophic impact on the lakes' ecosystems and economies," the group said. "The alliance is calling on the U.S. Army Corps of Engineers to move forward with plans to install control measures at Brandon Road Lock and Dam, and we're asking Congress to authorize funding to get it done."

### **Latest PMO Report Focuses On Boosting Economic Prospects Of Working Ohioans**

With a major case involving unions before the U.S. Supreme Court and efforts underway in Ohio to get right-to-work issues before voters, two groups on Tuesday unveiled a plan to help working Ohioans.

In a report released by Policy Matters Ohio, the group laid out 10 policy solutions it said will provide the state's citizens with economic security.

At the top of the list of recommendations is to protect the right of workers to organize by opposing efforts to make Ohio a right-to-work state.

"It's wrong for working people," said Doug Stern, communications director for the Ohio Association of Professional Firefighters. "It's wrong for their families, and it's wrong for the citizens we protect every day."

Professor Rudy Fichtenbaum of Wright State University said at the event held in conjunction with ProgressOhio that union members earn more than their non-unionized counterparts and have better benefits.

Union membership, Mr. Fichtenbaum added, reduces inequality and strengthens the middle class.

"When unions are weak the standard of living for working people declines," he said.

As a professor of economics, Mr. Fichtenbaum said he has found no evidence that right-to-work laws improve the economic conditions of a state. He pointed to Indiana, a right-to-work state from which Carrier recently outsourced jobs.

"It didn't stop their jobs from going to Mexico," he said.

Rep. John Becker (R-Union Twp.) and Rep. Craig Riedel (R-Defiance) unveiled a package of right-to-work and labor-related measures including two proposed ballot issues (HJR 7 & HJR 8). (See Gongwer Ohio Report, January 23, 2018) Those would respectively ban any laws, rules or agreements requiring public and private sector employees to join or pay union dues and prohibit unions from representing non-members in employment matters, but GOP legislative leaders and Gov. John Kasich have not shown an inclination to move forward on such proposals.

Other policy recommendations in the PMO report include a roll back of tax cuts for the wealthy; empowering local governments to protect working people in their communities; fixing the state's unemployment compensation system; strengthening the workers' compensation system; and boosting the minimum wage to \$15 per hour by 2025.

Hannah Halbert, a researcher at PMO, said those recommendations and others will go a long way toward protecting workers no matter how the U.S. Supreme Court comes down in the case of *Janus v. AFSCME*.

"Inequality is not the natural order of our economy," she said. "This is the result of our policy choices."

The report also calls for state lawmakers to pass paid leave laws, to enforce rules on wage theft, to scrap work requirements for public assistance programs and raise the threshold for salaried workers to qualify for overtime pay.

Ms. Halbert said just 7.8% of salaried workers in Ohio are eligible for overtime pay.

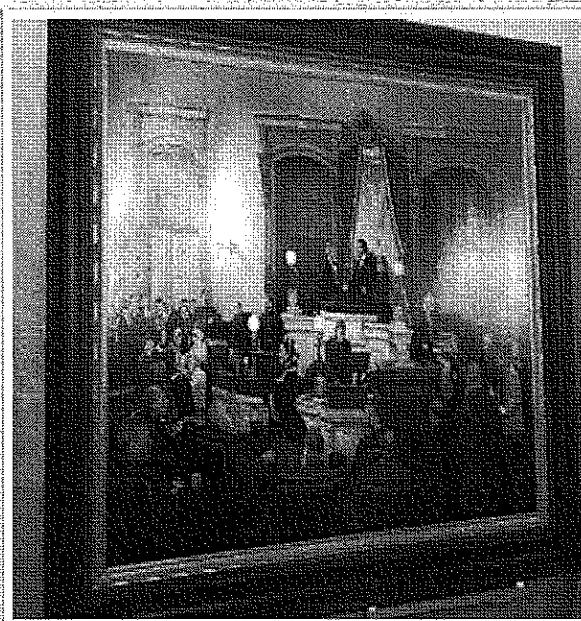
"These are 10 policies to really help working people outside of what happens with the Supreme Court," she said.

### **CSRAB Unveils First New Statehouse Narrative Painting In Nearly Six Decades**

One hundred fifty-seven years ago Tuesday, then President-elect Abraham Lincoln stood on the dais in the Ohio House chamber and delivered a historic speech to a joint legislative session.

That scene - which took place Feb. 13, 1861 - is now permanently documented in a new painting unveiled Tuesday at the Statehouse.

Titled "Greeting Lincoln" and created by Pennsylvania artist Pamela Patrick White, the work is the first narrative painting commissioned for the Statehouse in 59 years. It was commissioned by the Capitol Square Review & Advisory Board's art committee, which was formed in 2016, and funded via a public/private partnership.



"Greeting Lincoln," a new work by Pennsylvania artist Pamela Patrick White, is the latest edition to the Statehouse art collection.

Members of CSRAB were on hand for the unveiling along with actors in period costumes who depicted Mr. Lincoln and others in the painting for Ms. White's reference.

The painting depicts Mr. Lincoln standing on the dais, shaking hands with leaders of the 54<sup>th</sup> General Assembly as representatives, senators and members of the crowd look on.

"I can't think of another time the chamber or this House has had a president of the United States come and address the members," said House Speaker Cliff Rosenberger (R-Clarksville), who chairs CSRAB and the art committee. "You think about that: He was walking this very hall not that many years ago."

It was the 16<sup>th</sup> president's final visit to the Statehouse, until his body returned four years later and lay in repose in the rotunda following his April 1865 assassination.

Mr. Lincoln's 1861 speech also marked the first time in the state's history that women were permitted to be present on the House floor after lawmakers voted to suspend rules prohibiting their presence anywhere but the gallery. The painting prominently depicts a woman crossing the floor between the dais and seated lawmakers.

Sen. Bob Peterson (R-Sabina), vice chair of CSRAB, said the painting serves as a reminder of the "living, working, breathing museum" lawmakers, staff and others work in every day.

With the painting finished, the art committee can now look ahead. Committee co-chair Charles Moses said some ideas for future projects have been floated but no firm decision has been made.

Speaker Rosenberger said the committee's goal is not just to capture historical events but also "the people who make Ohio great."

"Maybe something regarding Neil Armstrong and John Glenn," Speaker Rosenberger said in an interview of future paintings. "There are all kinds of things but it's really up to the art committee to make that decision."

#### **Register For Gongwer Text Alerts**

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### **Gongwer Statehouse Job Market Updated**

Gongwer's Statehouse Job Market has been updated. The update is available on the Gongwer website.

Subscribers interested in posting job openings on Gongwer's employment board can send job descriptions and other information to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com).

### **Governor's Appointments**

**Real Estate Appraiser Board:** John J. Lynch of Cleveland (Cuyahoga Co.) for a term beginning Feb. 13 and ending June 30, 2020.

### **Supplemental Agency Calendar**

#### **Thursday, February 15**

Children's Trust Fund, Rm. East B, 31st Fl., 77 S. High St., Columbus, 10 a.m.

### **Supplemental Event Planner**

#### **Wednesday, February 14**

Rep. Bill Reineke (R-Tiffin), other lawmakers and education officials news conference on planned education/workforce bill, Press Briefing Rm., Statehouse, Columbus, 9:30 a.m.

#### **Wednesday, February 21**

Retirement open house for Brad Cole, CCAO's longtime managing director of research, Governor Thomas Worthington Center, lower level of the Statehouse, Columbus, 11 a.m.

**Wednesday, April 18**

**Ohio Chamber of Commerce Annual Meeting & Legislative Reception, Sheridan Capitol Square,  
75 E. State St., Columbus, 3:30 p.m., (3:30 Annual Meeting; 5:30 Legislative Reception)**

**17 S. High St., Suite 630**

**Columbus Ohio 43215**

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Ensinger, Jon Reed, Staff Writers**

**Click the ■ after a bill number to create a saved search and email alert for that bill.**

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## Daily Activity Planner for Wednesday, February 14

### Legislative Committees

House Health (Committee Record) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

**HB 464** **STROKE PATIENTS** (Lipps, S., Antonio, N.) To provide for recognition of stroke centers and establishment of protocols for assessment, treatment, and transport to hospitals of stroke patients. (1st Hearing-Sponsor)

**HB 345** **DISEASE CURES** (Butler, J.) To adopt the Solemn Covenant of the States to award prizes for curing diseases. (4th Hearing-All testimony-Possible vote)

**HB 302** **PREGNANT MINORS** (Boggs, K., Antonio, N.) To authorize a pregnant minor to consent to receive health care to maintain or improve her life or the life of the unborn child she is carrying. (2nd Hearing-Proponent)

**SB 28** **ABORTION** (Uecker, J.) Regarding final disposition of fetal remains from surgical abortions. (2nd Hearing-Proponent)

House Transportation & Public Safety (Committee Record) (Chr. Green, D., 644-6034), Rm. 017, 10 a.m.

**HB 476** **ORGAN DONATIONS** (Koehler, K.) To require the Registrar of Motor Vehicles and each Deputy Registrar to ask each person renewing a motor vehicle registration if that person wants to make a voluntary contribution to the Second Chance Trust Fund. (1st Hearing-Sponsor)

**HB 275** **BRIDGE NAMING** (Slaby, M.) To designate the bridge spanning the Tuscarawas River, that is part of State Route 93 in Canal Fulton, as the "Lance Corporal Michael Stangelo, USMC, Memorial Bridge." (1st Hearing-All testimony-Possible vote)

**HB 384** **VEHICLE TOWING** (Gonzales, A.) To require only one notice to be sent to a vehicle owner and any known lienholder after a vehicle is towed from a private tow-away zone. (3rd Hearing-Opponent-Possible amendments)

**HB 372** **ROAD NAMING** (Romanchuk, M.) To designate a portion of Interstate Route 71 in Richland County as the "Richland County Veterans Memorial Highway." (1st Hearing-All testimony-Possible vote)

**HB 346** **ROAD NAMING** (West, T.) To designate a portion of State Route 172 in Stark County as the "Football Heritage Corridor." (1st Hearing-All testimony-Possible vote)

**HB 429** **LICENSE PLATE** (West, T.) To create the "Canton Bulldogs" license plate. (1st Hearing-All testimony-Possible vote)

**HB 445** **LICENSE PLATE** (Riedel, C.) To create the "Patrol Supporter" license plate. (1st Hearing-All testimony-Possible vote)

**HB 436** **TRAFFIC SIGNS** (Boggs, K., Leland, D.) To permit a local resident, neighborhood association, or neighborhood organization to request the

erection of a stop sign at an intersection and to support a request for a lower prima facie speed limit on certain streets and highways. (1st Hearing-Sponsor)

**House Higher Education & Workforce Development** (Committee Record) (**Chr. Duffey, M., 644-6030**), Rm. 115, 11 a.m.

**HB 110 APPRENTICESHIP PROGRAMS** (Hagan, C., Dean, B.) To create a subprogram of the College Credit Plus Program that permits students to participate in certified apprenticeship programs. (2nd Hearing-Proponent-Possible amendments)

**House Session** (Committee Record) (**Chr. Rosenberger, C., 466-3357**), House Chamber, 1:30 p.m.

**House State & Local Government** (Committee Record) (**Chr. Anielski, M., 644-6041**), Rm. 017, 2:30 p.m. or after session

**HB 314 SAFETY TAX CREDIT** (Schaffer, T.) To allow an income tax credit for law enforcement officials who purchase safety or protective items to be used in the course of official law enforcement activities. (3rd Hearing-All testimony-Possible amendments & vote)

**HB 453 CHARTER HOSPITALS** (Greenspan, D.) To require that all rights and interests in discoveries, inventions, or patents made by employees using charter county hospital facilities are the property of that charter county hospital. (3rd Hearing-All testimony-Possible vote)

**HB 454 CEMETERY LOTS** (Patterson, J.; Arndt, S.) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (3rd Hearing-All testimony-Possible vote)

**HB 146 DEATH CERTIFICATES** (Householder, L.) To allow a coroner to change the cause, manner, and mode of death in a filed death certificate only after a hearing in the court of common pleas. (6th Hearing-All testimony-Possible substitute)

**HR 299 DRUG USE** (Young, R., Ginter, T.) To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (1st Hearing-Sponsor)

**HB 139 PUBLIC DISCLOSURE** (Perales, R., Keller, C.) To eliminate the public disclosure exemption for any permanently retained record 100 years after the date of its creation. (4th Hearing-All testimony)

**HB 470 LIGHTING FUNDS** (Edwards, J.) To authorize a property tax levy specifically to fund lighting for roads and public places. (2nd Hearing-All testimony)

**SCR 15 YEAR DESIGNATION** (O'Brien, S., Wilson, S.) To designate 2018 as 'Ohio's Year of the Trails.' (2nd Hearing-All testimony)

**House Community & Family Advancement** (Committee Record) (**Chr. Ginter, T., 466-8022**), Rm. 114, 3 p.m. or after session

**HB 427** **SUBSTANCE ABUSE** (Young, R.) To require the Department of Health to publish monthly drug overdose death information for each county, to create grant programs to support faith-based substance abuse services, to authorize an income tax deduction for physicians providing such services for free, and to allocate funds and make an appropriation for the grant programs. (2nd Hearing-Proponent-Possible substitute)

**House Armed Services, Veterans Affairs & Homeland Security** (Committee Record) (**Chr. Johnson, T., 466-2124**), Rm. 116, 4 p.m. or after session

**HB 468** **MILITARY LEAVE** (Perales, R., Boyd, J.) To grant full-time state employees paid leave for the purpose of attending medical examinations and appointments provided through the United States Department of Veterans Affairs. (1st Hearing-Sponsor)

**HB 414** **DAY DESIGNATION** (Schaffer, T.) To designate July 16 as "National Atomic Veterans Day" in Ohio. (2nd Hearing-All testimony)

**HCR 21** **HEALTHCARE** (Schaffer, T.) To urge the Congress of the United States to enact the Mark Takai Atomic Veterans Healthcare Parity Act. (2nd Hearing-All testimony)

## Agency Calendar

Banking Commission, 21st Fl., 77 S. High St., Columbus, 10 a.m.

Construction Industry Licensing Board, OCILB Conf. Rm., 6606 Tussing Rd., Reynoldsburg, 10 a.m. (Plumbing/Hydraulics Section)

Southern Ohio Agricultural & Community Development Foundation, Foundation office, 100 S. High St., Hillsboro, 10 a.m. (Educational Assistance Subcommittee)

The Economic Development Subcommittee meets after the EA Subcommittee)

State Medical Board, 3rd Fl., 30 E. Broad St., Columbus, 10 a.m. (Committees begin at 7:30 a.m.)

Broadcast Educational Media Commission, Trott Meeting Rm., Columbus Convention Center, 400 N. High St., Columbus, 11 a.m.

State Emergency Response Commission, Ohio EMA, 2855 W. Dublin-Granville Rd., Columbus, 1:15 p.m.

BWC Pharmacy & Therapeutics Committee, 30 W. Spring St., Room 1 on Level 2, Columbus, 1:30 p.m.

## Event Planner

Rep. Bill Reineke (R-Tiffin), other lawmakers and education officials news conference on planned education/workforce bill, Press Briefing Rm., Statehouse, Columbus, 9:30 a.m.

STEMM Scholars, State Officials to Help Commemorate 10 Years of Choose Ohio First, Greater Columbus Convention Center, Union Station Ballroom A, 400 N. High St., Columbus, 11 a.m.

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,  
Jon Reed, Staff Writers

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## House Activity for Tuesday, February 13, 2018

### INTRODUCED AND REFERRED

**HB 508** ■ **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. Am. 3333.80, 3333.801, and 3333.802  
Finance

### INTRODUCED

**HB 497** ■ **PRIVATE IMAGES** (Rogers, J., Manning, N.) To prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and employment protections of a victim of the offense. Am. 2907.01, 2907.31, 2981.02, and 2981.04 and to enact sections 9.74, 2307.66, 2917.211, 3345.49, 4113.90, 4113.91, 4113.92, 4113.93, and 4113.94 of the Revised Code t

**HB 498** ■ **RESISTING ARREST** (Schuring, K.) To classify resisting arrest as an offense of violence and to increase the penalties for certain resisting arrest offenses. Am. 2901.01 and 2921.33

**HB 499** ■ **CAPITAL PROGRAM** (Rogers, J., Cera, J.) To create the Supplemental State Capital Improvements Pilot Program funded by a temporary transfer from the Budget Stabilization Fund and to make an appropriation. Am. 131.43, 131.44, and 164.01 and to enact section 164.18

**HB 500** ■ **TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law. Am. 303.21, 349.03, 505.01, 505.04, 505.38, 505.482, 507.11, 513.07, 513.071, 517.30, 519.04, 519.07, 519.12, 519.13, 519.15, 519.21, 1509.07, 3375.121, 3501.021, 3709.03, 5541.04, 5553.04, 5705.121, 5705.19, 5709.73, and 5709.75, to enact section 503.58, and to repeal sections 711.25, 711.26, and 711.27

**HB 501** ■ **VETERINARY TITLES** (LaTourette, S., Huffman, S.) To change professional title of "registered veterinary technician" to "registered veterinary

nurse." Am. 955.16, 4729.531, 4729.532, 4741.01, 4741.02, 4741.17, 4741.171, 4741.19, 4741.22, 4741.221, and 4741.24

**HB 502** ■ **YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in public schools. Am. 3319.073

**HB 503** ■ **YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in private schools. Am. 3301.165

**HB 504** ■ **INTERIOR DESIGNERS (Pelanda, D.)** Regarding interior designers. Am. 4714.01, 4714.02, 4714.03, 4714.04, 4714.05, 4714.06, 4714.07, 4714.08, and 4714.09

**HB 505** ■ **AWARENESS MONTH (Sykes, E.)** To designate May as "Maternal Mortality Awareness Month." Am. 5.2514

**HB 506** ■ **DOG BREEDERS (Hill, B.)** To revise the law governing high volume dog breeders. Am. 956.01 and 956.08 and to enact section 956.031

**HB 507** ■ **TAX CREDIT (Gonzales, A.)** To allow a refundable income tax credit for parents of stillborn children. Am. 5747.08 and 5747.98 and to enact section 5747.79

**HB 509** ■ **BEER SALES (Hambley, S., Sweeney, M.)** To create the F-11 liquor permit to authorize the sale of beer under specified circumstances at a farmers market and to authorize the Department of Agriculture to promote the use of Ohio-produced agricultural goods grown for inclusion in beer or cider through a promotional program. Am. 4301.62 and 4303.2010 and to enact sections 901.172 and 4303.2011

## CALENDAR FOR COMING SESSION

**SB 144** ■ **DISABILITIES COUNCIL (Burke, D.)** To abolish the Opportunities for Ohioans with Disabilities Commission; Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with

Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

**HB 359** ■ **STATE FLAG** (Stein, D.) To create a suggested ceremonial procedure for retiring an Ohio state flag.

**HB 370** ■ **STATE SEAL** (Perales, R.) To add a representation of the Wright Brothers' first piloted airplane to the Coat of Arms and Great Seal of the State of Ohio.

**HB 478** ■ **WIRELESS SERVICES** (Smith, R., LaTourette, S.) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way.  
REPORTED-AMENDED (See separate story)  
Gongwer Coverage

#### **REFERRED**

#### **Aging & Long Term Care:**

**HB 486** ■ **EMS WORKERS** (Antonio, N.) To specify that emergency medical services workers are public safety officers under the Ohio Public Employees Retirement System.

#### **Civil Justice:**

**HB 482** ■ **NUISANCE PROPERTIES** (Lipps, S., Miller, A.) To expedite public nuisance and blight foreclosure actions and to declare an emergency.

#### **Criminal Justice:**

**HB 496** ■ **ASSAULT PENALTIES** (Kelly, B., Perales, R.) To increase the penalty for assault when the victim is an employee of an Ohio transit system; to authorize Ohio transit systems to post a sign regarding abuse or assault of

staff; and to increase the penalty for evading payment of the known fares of a public transportation system.

### **Economic Development, Commerce & Labor:**

**HB 490** ■ **LABOR CAMPS (Stein, D.)** To exempt certain residential buildings from agricultural labor camp licensing.

### **Education & Career Readiness:**

**HB 487** ■ **SCHOOL PROPERTY (Ingram, C.)** To eliminate the right of first refusal for community schools, college-preparatory boarding schools, and science, technology, engineering, and mathematics schools in the acquisition of school district real property.

**HB 491** ■ **EDUCATION LICENSE (Edwards, J.)** To require the State Board of Education to issue a substitute license to specified pupil services personnel.

### **Government Accountability & Oversight:**

**HB 489** ■ **FINANCIAL INSTITUTIONS (Dever, J.)** To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection.

**HB 494** ■ **FRANCHISE AGREEMENTS (Antani, N.)** To specify that a franchisor is not the employer of a franchisee or employee of a franchisee for purposes of the Minimum Fair Wage Standards Law, the Bimonthly Pay Law, the Workers' Compensation Law, the Unemployment Compensation Law, and the Income Tax Law.

**HB 495** ■ **MARIJUANA PAYMENTS** (Seitz, B.) Relating to the closed-loop payment processing system under the medical marijuana control program.

#### **Health:**

**HB 485** ■ **AWARENESS DAY** (Antani, N.) To enact "Cody's Law" to designate January 30 as "Chronic Traumatic Encephalopathy Awareness Day."

#### **State & Local Government:**

**HB 483** ■ **WEEK DESIGNATION** (Patterson, J.) To designate the second week of October as "Ohio Covered Bridge Week."

**HB 484** ■ **HEALTH DISTRICTS** (Brenner, A.) To authorize city and general health districts to use credit cards in accordance with prescribed requirements.

**HB 492** ■ **STATE PROCUREMENT** (Gonzales, A.) To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals.

**HB 493** ■ **MINORITY ENTERPRISES** (Gonzales, A.) To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises.

#### **Transportation & Public Safety:**

**HB 481** ■ **LICENSE PLATE** (Greenspan, D., Fedor, T.) To create the "Stop Bullying" license plate.

#### **Ways & Means:**

**HB 488** ■ **TAX LEVIES** (Hood, R., Becker, J.) To modify the information conveyed in election notices and ballot language for property tax levies.

## **COMMITTEE HEARINGS**

### **Ways & Means**

**SB 22** ■ **TAX LAWS** (Peterson, B.) To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (CONTINUED (See separate story); 1st Hearing-Sponsor & proponent)

### **Government Accountability & Oversight**

**HJR 4** ■ **UNEMPLOYMENT COMPENSATION** (Schuring, K.) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (CONTINUED (No testimony); 14th Hearing-All testimony)

**HB 352** ■ **DOGS LAW** (Rezabek, J., Huffman, S.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (CONTINUED; 1st Hearing-Sponsor)

Rep. Jeff Rezabek (R-Clayton) and Rep. Steve Huffman (R-Tipp City) said their bill would protect Ohioans from vicious or dangerous dogs by focusing on the accountability of their owners.

The measure is a companion to a Senate proposal (**SB 195**) and stems from a 2014 incident in Dayton in which a woman was attacked and killed by her neighbor's dogs after she made repeated calls to authorities about the animals, which she believed were dangerous, Rep. Rezabek said.

The proposal would require every call to a dog warden to generate an investigation or follow-up, require owners to respond to warnings or postings about their dogs within a reasonable amount of time, allow witnesses to give a notarized affidavit saying they saw a dog bite, injure or kill a person, and clarify that dog wardens have arresting authority.

The bill also increases criminal penalties, requires dogs deemed dangerous to be registered and extends the amount of time violent felons can't own dogs from three to five years.

The measure also increases penalties for vicious dogs and their owners.

"All of these changes come from requests from local authorities and those in the field," Rep. Huffman said. "These additions will help keep our communities safer from problem pet owners and help prevent additional tragedies in our state."

**HB 382** ■ **UNEMPLOYMENT COMPENSATION** (Schuring, K.) To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation

premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the **Unemployment Compensation Law.** (**CONTINUED (No testimony)**; 14th Hearing-All testimony)

**HB 406**

**ADDRESS RECORDS** (Lanese, L.) To include forensic evaluation examiners and mental health evaluation providers as individuals whose residential and familial information is exempt from disclosure under the Public Records Law, and whose addresses public offices, upon request, must redact from records available to the general public on the internet. (**CONTINUED; 1st Hearing-Sponsor**)

The bill would exempt from public record requests the private information of forensic psychologists in criminal court and mental health evaluation providers that report to probate court, sponsor Rep. Laura Lanese (R-Grove City) said.

"Forensic psychologists and mental health evaluation providers work closely with criminals and oftentimes their evaluations are the impetus behind the sentencing of an individual to prison," she said. "This makes these public servants and their families vulnerable to retaliation."

The state currently exempts peace officers, prosecutors and other professions involved in the criminal justice system, she said.

"This legislation just attempts to fill in a previously overlooked gap that will help protect those who, unfortunately, may be subject to violence in the course of their public service duties," the sponsor said.

Rep. Kathleen Clyde (D-Kent) asked how many states offer similar protections.

The sponsor said other states might not necessarily need to exempt records because the information is not as readily available online.

**HB 441**

**TAX REFUNDS** (Lanese, L., Dever, J.) To allow the Department of Taxation to provide taxpayers who file electronic returns the option of receiving their income tax refund in the form of a prepaid card. (**CONTINUED; 1st Hearing-Sponsor**)

Sponsor Rep. Lanese said the bill is permissive and would allow state tax refunds to be issued on prepaid cards.

"If implemented, the state would see cost savings as refunds move away from expensive paper checks and toward less expensive prepaid card options," she said. "Ohio already uses prepaid cards to issue payments for workers' compensation benefits, SNAP benefits, and unemployment compensation benefits. HB441 is a logical continuation of this trend."

About 23% of Ohio households are unbanked or underbanked and would benefit from receiving a prepaid card instead of having to take tax refunds to locations that charge check-cashing fees.

"We will be empowering our citizens to receive their tax returns any way they wish," she said.

Fellow sponsor Rep. Jonathan Dever (R-Cincinnati) told Rep. Dave Greenspan (R-Westlake) the cards would have the recipient's name on them, but that the Department of Taxation would have to design rules for the program.

Rep. Keith Faber (R-Celina) said it's important that cards not have declining balance fee charges.

Rep. Tim Ginter (R-Salem) asked if there would be a significant fiscal impact because the state already uses prepaid cards for SNAP and other programs.

Rep. Dever said that could be a good assumption but they will see as the bill moves forward.

"We wanted to introduce this bill to get this conversation started so this can become an option," he said.

Rep. Clyde asked if there would be any other fees for using the card that would be anticipated or that should be prohibited in the legislation.

"This is a problem where fees pile up and taxpayers lose some of their refund," she said.

The sponsors are still working through the details with the Department of Taxation, Rep. Dever said.

**HB 478** WIRELESS SERVICES (Smith, R., LaTourette, S.) To modify the law regarding wireless service and the placement of small cell wireless facilities in the public way. (**REPORTED-AMENDED (See separate story)**; 5th Hearing-Possible amendments & vote)

#### Criminal Justice

**HB 278** VEHICULAR ASSAULT (Patton, T., Kelly, B.) To include negligently causing serious physical harm to a law enforcement officer while operating a motor vehicle or other specified mode of transportation as a violation of the offense of vehicular assault. (**CONTINUED-SUBSTITUTE (No testimony)**; 3rd Hearing-All testimony-Possible substitute)

A substitute bill offered by Rep. Jeff Rezabek (R-Clayton) was accepted to alter the state's move-over law rather than the vehicular assault law, he said. (Comp doc)

**HB 349** POLICE ANIMALS (LaTourette, S.) To increase the penalty for assaulting a police dog or horse and to include search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal. (**CONTINUED (No testimony)**; 3rd Hearing-All testimony)

**HB 355** SEXTING (Hill, B., Rezabek, J.) To generally prohibit sexting by a person under 21 years of age. (**CONTINUED-AMENDED**; 1st Hearing-Sponsor-Possible amendments)

Before hearing testimony, the committee accepted an amendment offered by Rep. Rezabek to continue to allow prosecutors to go after individuals for possessing or distributing child pornography, he said.

In sponsor testimony, Rep. Rezabek said the bill is designed to provide teens that have engaged in "sexting" with a second chance.

"In these situations, where it is simply the sending or receiving of sexually explicit digital material, teens under the age of 19, where the victim is less than four years younger than the

offender and is over the age of 13, may be eligible for a sexting educational diversion program or another diversionary-type program that is feasible," he said.

Fellow sponsoring Rep. Brian Hill (R-Zanesville) said the legislation came about after learning that some counties in his district do not offer diversion programs for children involved in "sexting."

"I don't think we need to ruin a kid's life over a first offense," he said.

Asked by Rep. Tavia Galonski (D-Akron) if the bill contains any language allowing for the deletion of shared photos, Rep. Rezabek said that is a complicated issue because doing so could amount to the destruction of evidence.

**SB 145** **ABORTION** (Huffman, M., Wilson, S.) To criminalize and create a civil action for dismemberment abortions. (**CONTINUED (See separate story)**; 3rd Hearing-Opponent)

**Subscriber's Note:** For full written testimony, see the committee's website under Feb. 13. **Energy & Natural Resources**

**HB 272** **HUNTING LICENSES** (Householder, L., Kick, D.) To allow a landowner's grandchildren of any age to hunt or fish on the landowner's property without obtaining a hunting license, deer permit, wild turkey permit, fur taker permit, fishing license, or waterfowl hunting permit, and to allow certain partially disabled veterans to receive a free license, permit, or wetlands habitat stamp. (**CONTINUED; 2nd Hearing-Proponent**)

Rebecca and Lonnie Bowden, owners and operators of Winding Creek Farm in Walhonding, said in written testimony the change would allow them to spend more time with their grandchildren.

"As grandparents we look forward to spending time with our grandchildren on the farm including hunting and fishing," she said. "We consider spending time with them during these activities as another opportunity to not only build memories but also to further enforce safe hunting practices."

As veterans, they also supported the provision providing veterans who are 50% or more disabled with free licenses.

**HB 422** **WATER SEWER ACQUISITIONS** (Ginter, T., Rogers, J.) To govern acquisitions of municipal water-works and sewage disposal system companies by certain larger nonmunicipal water-works or sewage disposal system companies. (**REPORTED (No testimony)**; 5th Hearing-All testimony-Possible vote)

**HB 460** **RIPARIAN BUFFERS** (Patterson, J., Sheehy, M.) To exempt qualifying riparian buffers in the Western Basin of Lake Erie from property taxation, to reimburse local taxing units for resulting revenue losses, and to require soil and water conservation districts to assist landowners with the creation and maintenance of riparian buffers. (**CONTINUED (See separate story)**; 2nd Hearing-Proponent)

## Public Utilities

**HB 143** **ELECTRIC COMPANIES** (Sprague, R.) To clarify the definition of "electric distribution company" for kilowatt-hour tax purposes. (**CONTINUED (See separate story)**; 2nd Hearing-All testimony)

**HB 249** **SUBMETERING** (Duffey, M.) To permit the Public Utilities Commission to adopt rules governing residential utility reselling. (**CONTINUED-SUBSTITUTE (No testimony)**; 4th Hearing-All testimony-Possible substitute)

The committee accepted a substitute bill from sponsor Rep. Mike Duffey (R-Worthington) that in part states that utility resellers are subject to regulation by the Public Utilities Commission of Ohio as a public utility and permits resellers to obtain a waiver from regulations. (Comp Doc)

The substitute also requires, rather than permits, the PUCO to adopt rules governing the regulation of reselling and revises provisions related to third-party billing services.

Among other changes, the sub bill:

- Removes language requiring rules to prohibit a reseller from charging above residential rates in certain cases.
- Mandates rules be established to prohibit resellers from entering into an agreement with a utility service provider to increase the cost of service above the standard mercantile rate.
- Necessitates the rules provide for enforcement, including penalties.
- Provides nothing in the rules may prohibit a reseller from using a submeter to determine common area utility charges and factor them into rent, fees or other charges.

**HB 402** **TELEPHONE REGULATION** (Hill, B.) To revise state regulation of telephone companies. (**CONTINUED-SUBSTITUTE (See separate story)**; 4th Hearing-All testimony-Possible substitute & vote)

**Subscribers Note:** For full testimony see the committee's website under Feb. 13.  
**Federalism & Interstate Relations**

**HB 228** **GUN LAWS** (Johnson, T., LaTourette, S.) To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. (**CONTINUED-AMENDED (See separate story)**; 3rd Hearing-All testimony-Possible amendments)

**HR 74** **CAMPAIGN FINANCE** (Smith, K., Antonio, N.) To call on legislators at the state and federal level and other communities and jurisdictions to support an amendment to the United States Constitution that would abolish corporate personhood and the doctrine of money-as speech. (**CONTINUED; 1st Hearing-Sponsor**)

A resolution designed to encourage a federal constitutional amendment to overturn *Citizens United* is necessary to level the political playing field, the bill's sponsor said.

**Rep. Kent Smith** (D-Euclid) said the U.S. Supreme Court's 2010 landmark ruling, has tilted the playing field in favor of moneyed interests.

"The current rules of game are tilted towards corporate interests and their political goals," Rep. Smith said. "Corporations are not people. Corporations do not need healthy food, clean water and sufficient housing to survive. Elections are not to vote for the betterment of business, they are for the betterment of the general public who create those businesses."

From 2010 to 2014, nearly 60% of the \$1 billion spent in federal elections by Super PACs originated from less than 200 individuals and their spouses, according to Rep. Smith.

"By equating money to speech, we have allowed a very small group of extremely wealthy individuals to speak for the general public," he said. "This resolution will restore the people's choice and the people's voice thereby ensuring that every vote counts."

Several members of Move to Amend also testified in support of the resolution. Among them was Sandy Bolzenius, who said the court's ruling has allowed pharmaceutical companies to have outsized influence in the debate over how to tackle the opioid crisis.

"Ohioans know that this is not how our system should work, and yet work this way it does. We have entered a dark period in which corporations, not the people, dominant legislatures where they seek to enact policies that favor their interest, not ours," she said. "This is evident in every level of government though the battery of laws that have reduced environmental and employment protections, local rights, and access to the ballot across the country."

Michael Greenman said money in politics is hampering the ability of government to adequately address climate change, an issue he deemed "an existential threat to our planet." "Only a constitutional amendment that will lead to the passage of reasonable laws and regulations without the overwhelming power of corporations and money to prevent their passage will allow for real change," he said. "And such change would inevitably follow from the passage of an amendment that eliminates corporate personhood and money as speech."

The panel also received proponent testimony from representatives of Democracy Over Corporations and American Promise Ohio.

**Subscriber's Note:** For full written testimony, see the [committee's website](#) under Feb. 13. **Education & Career Readiness**

**HB 438** **ESC BOARDS (Hambley, S., Kick, D.)** To permit the addition of appointed members to educational service center boards and to permit a local school district to sever its territory from one educational service center and annex that territory to an adjacent service center under specified conditions.

**(CONTINUED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible amendments)**

The committee accepted two amendments from **Rep. Steve Hambley** (R-Brunswick) to allow governing board members to appoint members from the general public and establish mobile professional development committees for educators who aren't employed but want to maintain licensure.

Responding to questions from the committee, Rep. Hambley said boards are already appointing members and it's likely more qualified members could be selected outside of an election. The board would spell out what types of members would be appointed to the board in a plan required under the bill.

The changes have the support of the Ohio Educational Service Center Association, he said.

**HB 442** **SCHOOL ATHLETICS (Antani, N.)** To authorize any student from a country or province outside the United States who attends an elementary or secondary school in Ohio and holds an F-1 visa to participate in interscholastic athletics at that school on the same basis as Ohio residents. **(CONTINUED (See separate story); 2nd Hearing-Proponent & interested party)**

**HB 477** **SCHOOL OPERATIONS (Koehler, K.)** To eliminate various provisions and programs related to the Department of Education and the operation of primary and secondary schools. **(CONTINUED; 1st Hearing-Sponsor)**

More than a dozen outdated and expired education laws would be eliminated through the recently introduced legislation, sponsoring Rep. Kyle Koehler (R-Springfield) said.

In total, the bill would repeal 14 sections in Chapter 33 of the Ohio Revised Code and amend six others that would be impacted by the changes.

Among the statutes that would be nixed are those that deal with federal funding - such as the Race to the Top grant - that's no longer available.

Others address language that's already detailed in other sections of law and a requirement that the Department of Education distribute VHS tapes of the Ohio Veterans Plaza dedication ceremony. **(Complete list)**

"As policy makers, we should always continue to strive to not only make commonsense laws, but also research and see what laws are currently on the books and whether they still have merit being there," Rep. Koehler said.

"We have worked with the appropriate agencies and stakeholders affected by this bill to make sure these sections can be repealed without issue," he added.

Proposed revisions in the bill include combining relating statutes, such as those addressing examinations and diagnosis by school physicians.

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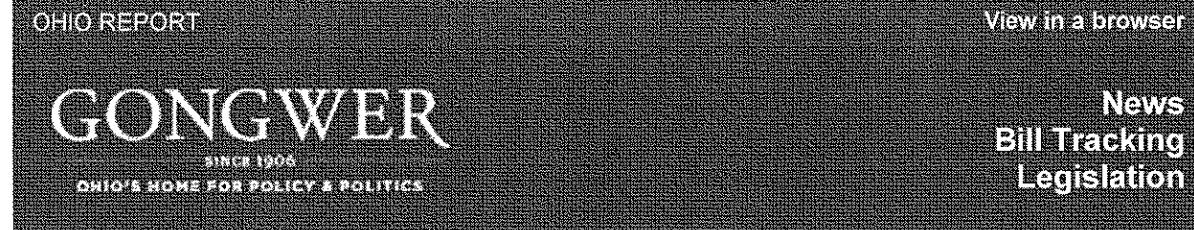
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## Daily Activity Planner for Tuesday, February 27

### Legislative Committees

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), Finance Hearing Rm., 9:30 a.m.

HB 159 **MONTH DESIGNATION** (Riedel, C.) To designate May as "Drive Ohio Byways Month." (1st Hearing-Sponsor)

HB 195 **WHEELCHAIR TRANSPORTS** (Ingram, C., Seitz, B.) To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances. (3rd Hearing-All testimony-Possible amendments & vote)

HCR 19 **HATE GROUPS** (Leland, D., Greenspan, D.) To denounce and oppose the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted by white nationalists and neo-Nazis, to urge law enforcement to recognize white nationalist and neo-Nazi groups as terrorist organizations, and to pursue the criminal elements of these domestic terrorist organizations in the same manner and with the same fervor used to protect the United States from other manifestations of terrorism. (2nd Hearing-Proponent)

HB 336 **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstate Fee Amnesty Initiative. (2nd Hearing-Proponent)

HB 250 **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles. (1st Hearing-Sponsor)

Senate Local Government, Public Safety & Veterans Affairs (Committee Record) (Chr. Uecker, J., 466-8082), South Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointment of Scott Arthur, State Board of Emergency Medical, Fire and Transportation Services

HB 307 **MONTH DESIGNATION** (Gonzales, A.) To designate September as "We Card Month." (2nd Hearing-Proponent)

HB 229 **DAY DESIGNATION** (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." (2nd Hearing-Proponent)

HB 202 **AWARENESS DAY** (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day." (2nd Hearing-Proponent)

SB 106 **SMOKING** (Tavares, C.) To prohibit smoking in a motor vehicle in which a child under six years of age is a passenger. (1st Hearing-Sponsor)

HB 194 **LICENSE PLATES** (Johnson, T., Craig, H.) To establish a program for the issuance of special license plates related to military service and awards. (4th Hearing-All testimony-Possible amendments & vote)

**House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm.**

**119, 10 a.m.**

**House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.**

**SB 226** **TAX HOLIDAY (Bacon, K.)** To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (1st Hearing-Sponsor)

**SB 22** **TAX LAWS (Peterson, B.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (3rd Hearing-All testimony-Possible amendments, substitute & vote)

**HB 507** **TAX CREDIT (Gonzales, A.)** To allow a refundable income tax credit for parents of stillborn children. (1st Hearing-Sponsor)

**HB 488** **TAX LEVIES (Hood, R., Becker, J.)** To modify the information conveyed in election notices and ballot language for property tax levies. (1st Hearing-Sponsor & proponent)

**Senate Judiciary (Committee Record) (Chr. Bacon, K., 466-8064), North Hearing Rm., 10:15 a.m.**

- Confirmation hearing on governor's appointments of Mark Wasylshyn, Michael Staley, Brian Simms and Jay Beighley, Ohio Private Investigation and Security Services Commission

**SB 66** **CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth-degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation. (5th Hearing-All testimony-Possible vote)

**SB 231** **OFFENDER DATABASE (Gardner, R.)** To provide for a violent offender database, require violent offenders to enroll in the database, and name those provisions of the act "Sierah's Law;" to modify the membership and duties of the Ex-Offender Reentry Coalition and eliminate its repeal; to require halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has developed; and to provide that the notice of release from prison of specified serious offense offenders that is given to sheriffs is to be the same as that provided to prosecuting attorneys and eliminate the notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders. (2nd Hearing-Possible amendments)

**SB 171** **PROTECTION ORDERS** (Hottinger, J.) To increase the penalty that applies to the offense of violating a protection order under certain circumstances and to require electronic monitoring of those convicted of violating certain protection orders to be carried out by probation agencies. (3rd Hearing-All testimony-Possible amendments)

**SB 195** **DOGS LAW** (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony-Possible amendments)

**SB 244** **PROSTITUTION** (Dolan, M., Manning, G.) To amend the penalties for promoting prostitution. (2nd Hearing-Proponent)

**House Finance** (Committee Record) (**Chr. Smith, R.**, **466-1366**), Rm. 313, 11 a.m.

**HB 529** **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (1st Hearing-Sponsor-Pending referral)

**HB 508** **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (2nd Hearing-Proponent)

**HB 378** **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (5th Hearing-All testimony-Possible substitute)

**House Economic Development, Commerce & Labor** (Committee Record) (**Chr. Young, R.**, **644-6074**), Rm. 113, 1:30 p.m.

**HB 504** **INTERIOR DESIGNERS** (Pelanda, D.) Regarding interior designers. (1st Hearing-Sponsor)

**HB 263** **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. (6th Hearing-All testimony-Possible vote)

**HB 211** **HOME INSPECTORS** (Hughes, J.) To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. (5th Hearing-All testimony-Possible vote)

**HB 433** **VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services. (2nd Hearing-Proponent)

**House Criminal Justice** (Committee Record) (**Chr. Manning, N.**, **644-5076**), Rm. 114, 1:30 p.m.

**HB 457** **DRUG TREATMENT** (Antani, N.) To require that an offender serving a community control sanction or a parolee who fails a drug test for heroin,

fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days. (2nd Hearing-Proponent)

**HB 391** **ECONOMIC LOSSES** (Merrin, D.) To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted. (4th Hearing-All testimony-Possible amendments & substitute)

**House State & Local Government** (Committee Record) (**Chr. Anielski, M.**, **644-6041**), Rm. 017, 2 p.m.

**HB 454** **CEMETERY LOTS** (Patterson, J., Arndt, S.) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (5th Hearing-All testimony-Possible vote)

**HR 299** **DRUG USE** (Young, R., Ginter, T.) To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (3rd Hearing-All testimony-Possible vote)

**HB 483** **WEEK DESIGNATION** (Patterson, J.) To designate the second week of October as "Ohio Covered Bridge Week." (2nd Hearing-All testimony)

**HB 484** **HEALTH DISTRICTS** (Brenner, A.) To authorize city and general health districts to use credit cards in accordance with prescribed requirements. (1st Hearing-Sponsor)

**HB 492** **STATE PROCUREMENT** (Gonzales, A.) To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals. (1st Hearing-Sponsor)

**HB 493** **MINORITY ENTERPRISES** (Gonzales, A.) To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises. (1st Hearing-Sponsor)

**HB 500** **TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law. (1st Hearing-Sponsor)

**House Government Accountability & Oversight** (Committee Record) (**Chr. Blessing, L.**, **466-9091**), Rm. 313, 2 p.m.

- Note time & room change.

**HB 382** **UNEMPLOYMENT COMPENSATION** (Schuring, K.) To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (15th Hearing-All testimony)

**HJR 4** **UNEMPLOYMENT COMPENSATION** (Schuring, K.) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (15th Hearing-All testimony)

**HB 512** **EDUCATION DEPARTMENT** (Reineke, B.) To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education. (2nd Hearing-Proponent)

**HB 451** **PUBLIC RECORDS** (Rutherford, W.) To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (4th Hearing-All testimony-Possible vote)

**SB 223** **USED TIRES** (LaRose, F.) To prohibit the installation of unsafe used tires on certain motor vehicles. (4th Hearing-All testimony-Possible amendments & vote)

**SB 10** **PRIMARY ELECTIONS** (LaRose, F.) To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible substitute)

**HB 506** **DOG BREEDERS** (Hill, B.) To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)

**HB 469** **TAX CREDIT** (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects. (2nd Hearing-Proponent)

**HB 489** **FINANCIAL INSTITUTIONS** (Dever, J.) To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (1st Hearing-Sponsor-Possible amendments)

**SB 139** **LEGAL MATERIALS** (Skindell, M., Eklund, J.) To adopt the Uniform Electronic Legal Material Act. (1st Hearing-Sponsor)

**HB 450** **HEALTH BENEFITS** (Antani, N.) To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. (2nd Hearing-Proponent)

**HB 342** **TAX LEVIES** (Merrin, D.) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (4th Hearing-All testimony)

**Senate Finance** (Committee Record) (**Chr. Oelslager, S., 466-0626**), Finance Hearing Rm., 2:30 p.m.

- Confirmation hearing on governor's appointments of Pamela Mowry, North Central State College Board of Trustees and Jo Ann Davidson and Ranjan Manoranjan, Ohio Casino Control Commission

**SB 266** **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (Presentation from OBM Director Tim Keen)

**HB 168** **CEMETERY REGISTRATION** (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (4th Hearing-All testimony-Possible vote)

**HB 251** **SUBDIVISION INVESTMENTS** (Greenspan, D.) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (4th Hearing-All testimony-Possible vote)

**Senate Health, Human Services & Medicaid** (Committee Record) (**Chr. Burke, D., 466-8049**), South Hearing Rm., 3:15 p.m.

**SB 218** **MEDICAID PROVIDERS** (Lehner, P.) Regarding surety bonds and minimum training for certain Medicaid providers. (1st Hearing-Sponsor-Possible amendments)

**HB 332** **ANATOMICAL GIFTS** (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on the basis of disability. (1st Hearing-Sponsor)

**HB 340** **PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (1st Hearing-Sponsor)

**SB 233** **COTTAGE FOOD PRODUCTION** (Thomas, C.) To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (2nd Hearing-Proponent)

**HB 111** **MENTAL HEALTH COMMITMENTS** (Carfagna, R., Ryan, S.) To authorize certain advanced practice registered nurses to have a person involuntarily

transported to a hospital for a mental health examination. (4th Hearing-All testimony-Possible amendments)

**House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.**

**HB 502**

**YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in public schools. (1st Hearing-Sponsor)

**HB 503**

**YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in private schools. (1st Hearing-Sponsor)

**HB 318**

**SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.)** To define the necessary qualifications and responsibilities of school resource officers. (3rd Hearing-All testimony-Possible substitute & vote)

**HB 428**

**STUDENT EXPRESSION (Ginter, T., LaTourette, S.)** Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018." (3rd Hearing-Opponent)

**HB 491**

**EDUCATION LICENSE (Edwards, J.)** To require the State Board of Education to issue a substitute license to specified pupil services personnel. (2nd Hearing-All testimony)

**HB 360**

**BULLYING (Greenspan, D.)** To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (4th Hearing-Possible substitute)

**Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 4 p.m.**

**SR 342**

**COLUMBUS CREW (Kunze, S.)** To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus. (2nd Hearing-All testimony-Possible vote)

**SB 221**

**AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof. (3rd Hearing-Opponent-Possible amendments)

**HB 226**

**FIREWORKS (Seitz, B., Sweeney, M.)** To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (2nd Hearing-Proponent)

**SB 239**

**REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments. (3rd Hearing-Opponent)

**Agency Calendar**

**Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road,  
Training Room 1, Reynoldsburg, 8:30 a.m.**

**Event Planner**

**State Auditor Dave Yost and GOP lawmakers news conference on Medicaid compliance, Press Briefing Rm., Statehouse, Columbus, 10 a.m.**

**Ohio Lobbying Association Annual Meeting & Legislative Reception, Sheraton Columbus at Capital Square, 75 E. State St., Columbus, 4 p.m., (4:00 pm - Annual Meeting for OLA Members; 5:00 pm - Legislative Reception. More info and to register: [http://bit.ly/2018\\_OLA\\_AM](http://bit.ly/2018_OLA_AM))**

**Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or [jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))**

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## Senate Activity for Monday, February 26, 2018

### INTRODUCED

**SB 266** ■ **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020.

Gongwer Coverage

**SB 267** ■ **SOLICITING** (Brown, E., Kunze, S.) To increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund. Am. 2907.24 and 5101.87

### SENATE PRESIDENT'S APPOINTMENTS

Joint Education Oversight Committeee: Senator Gayle Manning as chair

### DELIVERED TO THE GOVERNOR

**SB 144** ■ **DISABILITIES COUNCIL** (Burke, D.) To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

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## House Activity for Monday, February 26, 2018

### INTRODUCED

**HB 526** ■ **SCHOOL SAFETY** (DeVitis, T., Sweeney, M.) To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64

**HB 527** ■ **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. Am. 2111.132

**HB 528** ■ **CORPSE ABUSE** (Smith, R., Rezabek, J.) To expand the penalties for abuse of corpse offenses. Am. 2927.01 and 2929.13

**HB 529** ■ **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. Am. 164.05  
Gongwer Coverage

### HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Representative LaTourette; appoint Representative Lang.

### DELIVERED TO THE GOVERNOR

**HB 45** ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

**HB 79** ■ **FIREARMS TRAINING** (Rutherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement

agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

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## Volume #87, Report #38 -- Monday, February 26, 2018

### \$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction Related Issues

The General Assembly is doubling its prior financial commitments for behavioral and mental health infrastructure in the capital appropriations budget that was introduced Monday.

The bill includes \$2.62 billion in new spending on bricks-and-mortar projects as well as a yet-to-be-disclosed amount of reappropriations for ongoing capital projects approved in prior biennia. The bill covers spending in Fiscal Years 2019-2020.

Companion House and Senate measures (HB 529 & SB 266) allocate \$222 million for health and human services, developmental disabilities, mental health, addiction treatment and women's health initiative facilities over the next two fiscal years.

The fast-tracked budget, which will receive first hearings in both chambers on Tuesday, also includes \$150 million in community projects - \$20 million more than the original funding target - \$600 million for school facilities, \$514 million for local infrastructure projects and \$483 million for public colleges and universities.

The state will issue bonds to fund the spending.

The expanded health and human services support funding was added in response to the growing impact of the opiate epidemic, Senate President Larry Obhof (R-Medina) said.

"So where in the prior budgets you may have seen a few of these pop up, I think it's on the minds of a lot of people and we all recognize that these are some of the more important issues facing the state of Ohio and these are some of the things we chose to prioritize."

Some of the projects set to receive a chunk of the \$222 million are Alvis House and Maryhaven in Columbus, President Obhof said. The respective \$300,000 and \$125,000 projects would add about 260 additional treatment beds for addicts in Franklin County.

"We see these things throughout the state and not just in Franklin County, in Cuyahoga and Hamilton counties but in some of rural areas as well," Sen. Obhof said. "There are number of requests that are being funded from members throughout the state of Ohio for things like that."

Of the total allocation for such infrastructure plans, \$20 million will be provided through competitive grants, which were proposed by Gov. John Kasich. (See Gongwer Ohio Report, February 12, 2018)

So-called community resiliency projects that focus on expanding spaces for youth programming would receive the funding, said Senate Finance Committee Chairman Scott Oelslager (R-N. Canton). The Department of Mental Health and Addiction Services and local groups will likely select the recipients.

"We recognize the need there and listened very carefully to the community," he said of the funding dedicated to combatting the opiate epidemic and related issues.

While that area of the budget saw a boost, overall capital appropriations shrunk by about \$10 million from the last budget, Sen. Obhof said. He's hopeful, however, that it will have a similar reach.

"We think that due to sound fiscal management and the hard work we put in in the main operating budget last year, we do have the capacity for the bonding and the funding of various projects throughout the state that you see in the bill," he told reporters after the legislation was introduced.

Leaders of both parties in each chamber worked together to iron out the details prior to the measure's introduction Monday, making it ripe for quick passage.

President Obhof said he expects a Senate vote on the House version - which will serve as the vehicle for the budget - in the week before spring break, which is set to begin in late March.

Local projects were brought forward by individual members for consideration while community colleges and universities created their own priority funding packages. (See Gongwer Ohio Report, November 22, 2017)

"This capital budget will give the legislature a tremendous opportunity to address several infrastructure and construction projects that will generate a positive return on investment for communities all across the state," Speaker Cliff Rosenberger (R-Clarksville) said in a statement. "I want to commend the members of the legislature and local leaders for their collaboration and commitment to helping improve the lives of so many Ohioans through this legislation."

The capital budget has historically drawn bipartisan support as lawmakers look to support money funneled to projects in their communities. That trend is expected to continue this year.

"As legislators, we review capital budget applications, meet with individuals and organizations and visit project sites. You can't help but become passionate about what we can do to invest in Ohio's infrastructure and improve the community," Senate Minority Leader Kenny Yuko (D-Richmond Heights) said. "Although it's unfortunate that we can't fund every much-needed community project that comes to our attention, I am happy with the progress that will be made through the capital budget."

If the capital bill process follows those of prior years, no major changes will occur during deliberations unless there are problems with the bill. The last several capital budgets passed with few if any amendments once they were introduced.

### **Cardinal Health Among Drug Distributors Targeted in Latest DeWine Opioid Suit**

Attorney General Mike DeWine on Monday announced that he has filed a lawsuit against four drug distributors for their role in the opioid epidemic.

The lawsuit, filed in Madison County Common Pleas Court, alleges that the drug distributors were negligent in over-supplying addictive opioid prescription drugs.

"We believe the evidence will show that these companies ignored their duties as drug distributors to ensure that opioids were not being diverted for improper use. They knew the amount of opioids allowed to flow into Ohio far exceeded what could be consumed for medically-necessary purposes, but they did nothing to stop it," AG Mike DeWine said in a statement.

"And much like the drug manufacturers who continue to fail to do the right thing, these distributors are doing precious little to take responsibility for their actions and help pay for the damage they have caused."

Named in the lawsuit are McKesson Corporation, Cardinal Health and its subsidiaries, AmerisourceBergen Drug Corporation and Miami-Luken, Inc.

Cardinal Health in a statement said it has been cooperating to "alleviate the public health crisis and save lives" through a multi-state effort led by 40 attorneys general and a multi-jurisdictional effort in Cleveland.

"We are extremely disappointed that Attorney General DeWine chose to go outside of these established processes at this critical moment in time to file this unfounded lawsuit," the company said in a statement.

The company went on to say that it cares deeply about the opioid epidemic and that there must be work toward meaningful solutions.

"This is why we launched our Opioid Action Program which augments our substantial efforts to combat opioid abuse and is providing funds and support for take back efforts, Narcan giveaways for first responders, and grants for communities looking to find holistic solutions to this public health issue throughout Ohio," it said.

"Cardinal Health has made a significant investment in state-of-the-art controls to effectively combat the diversion of pain medications from legitimate uses. We believe this kind of effort and investment, and not baseless litigation, is the way to alleviate this problem."

The lawsuit alleges that the companies fueled the opioid epidemic by distributing enough of the drugs to fill more than 11.8 million prescriptions from 2011 to 2016, amounting to dosages that averaged more than 739 million each year.

The drug epidemic has resulted in annual damages in excess of \$1 billion, the lawsuit alleges. Those costs include medical care; treatment for infants born with opioid-related medical conditions; public safety measures; substance abuse prevention; and welfare and social services for the children of addicted parents.

The lawsuit also alleges that more than 7,000 Ohioans have died due to the opioid crisis.

The companies "have supplied and continue to supply quantities of prescription opioids in and around Ohio without taking proper measures based on their actual or constructive knowledge that individuals were consuming opioids for non-medical purposes," the lawsuit reads.

Among the remedies Mr. DeWine is seeking are punitive and compensatory damages.

This marks the second lawsuit the AG has filed against drug companies over the opioid crisis. (See Gongwer Ohio Report, May 31, 2017)

### **Nearly \$29M In State IT Funding Clears Controlling Board**

Controlling Board members Monday approved more funding for state information technology projects after raising questions about performance-based contracts and the state's savings from consolidating services.

The requests from the Department of Administrative Services included one worth nearly \$24.8 million for the state's main IT services delivery line item, which has increased over the years due to the consolidation, DAS Chief Financial Officer Jennifer Leymaster told the board.

The other request, for \$4.4 million, dealt specifically with a pair of projects involving nine agencies, she said.

Rep. Scott Ryan (R-Newark) asked if the state's IT contracts have performance clauses for the timing of delivery or for the accountability of functions.

The request Monday didn't deal with specific contracts, just the appropriation changes needed to cover contract costs, Ms. Leymaster said.

"We'd be happy to see if individual contracts have the type of controls that you're asking about," she said.

Ms. Leymaster told Sen. Charleta B. Tavares (D-Columbus) that the projects are part of a broader optimization project that has saved the state more than \$160 million since its inception.

The board also approved two significant funding requests from the Development Services Agency to support affordable housing after Sen. Bill Coley (R-Liberty Twp.) asked about cost containment measures and access for people with disabilities.

The requests included \$13.6 million for the Ohio Housing Finance Agency to administer the Housing Development Assistance Program, and \$5.5 million for housing assistance programs across the state.

Kelan Craig, director of planning, preservation and development at the Ohio Housing Finance Agency, said the administration has worked to ensure projects are done effectively at low cost.

As for accessibility for people with disabilities, there are specific requirements for projects targeted at seniors and for permanent supportive housing developments, but not for standard affordable housing, he said.

"Let's just watch that and make sure we don't have a problem with that," Sen. Coley said.

A request by the Department of Mental Health and Addiction Services for \$1.1 million to replace the emergency generator at Appalachian Behavioral Healthcare in Athens was approved after Sen. Coley asked about the hospital's involvement in plans to participate in peak demand emergency programs.

Stephen Wilson, legislative liaison for ODMHAS, said the state found it would only save a couple thousand dollars to participate in the utility's peak demand program, while placing strict requirements on hospital staff.

Sen. Coley said the programs can help other facilities, such as industries and schools, when the power goes down.

"Hospitals around the state are finding great benefits to these programs," he said.

In total, the board approved 82 requests for funding.

Other items approved included: (Agenda)

- \$2.9 million - Central State University - for repair and modernization of the Hallie Q. Brown Memorial Library.
- \$11.7 million - Cleveland State University - to contract for an addition project at Fenn Hall.

- \$1.9 million - Cuyahoga Community College - to buy 12.82 acres of real estate in Euclid for the expansion of the Transportation, Distribution and Logistics Academy.
- \$1 million - Adjutant General's Department - for masonry renovation and HVAC work at the Hamilton Readiness Center in Butler County.
- \$4.6 million - DAS - for administration of the Multi-Agency Radio Communication System.
- \$2.3 million - Department of Agriculture - for lab supplies and equipment.
- \$1.1 million - Department of Mental Health & Addiction Services - for emergency generator replacement at Appalachian Behavioral Healthcare in Athens.
- \$1.6 million - Bureau of Motor Vehicles - for federal grants to purchase and install document scanners and update existing computer systems to confirm commercial driver's license applicants provided proof of citizenship or permanent residency.
- \$10.5 million - Facilities Construction Commission - for master facilities plan amendments from Elida Local School District and Bloom-Carroll Local School District.

### **Adult Charge Stemming From Juvenile Conviction Challenged At High Court**

Can a juvenile adjudication be used to satisfy an element of a crime committed as an adult?

Anthony Carnes will argue that it can't in a case the Ohio Supreme Court is set to hear Tuesday.

Mr. Carnes was charged with a third-degree felony offense of weapon-under-disability based on a 1994 juvenile adjudication. He moved to have the charge dismissed, but the trial court denied his motion.

The First District Court of Appeals upheld the trial court's decision. But Mr. Carnes argued that both court erred in their decisions.

"Simply put, juvenile adjudications are not criminal convictions and should not be viewed as such. This conclusion is reinforced by the fact that Ohio's juvenile system uses two different approaches, one mandatory and one discretionary, to transfer its most severe offenders into the adult system, and has a process to include an adult sentence with a juvenile rehabilitation for the next most serious level of offenders," his merit brief reads.

"In line with that approach, this court has prohibited juvenile adjudications from increasing punishment for subsequent adult conduct. Given that framework, it is incongruous for such adjudications to be permitted to turn what would otherwise be lawful conduct into a crime. Thus, a juvenile adjudication should not be deemed to meet an element of an offense charged against an adult."

The Juvenile Law Center and the Buckeye Firearms Association both weighed in on the case on behalf of Mr. Carnes.

"Individuals with Ohio juvenile adjudications do not fit into the long standing prohibition on the possession of firearms by felons because they simply are not felons by definition," the BFA wrote in its amicus brief.

The state, however, argues that a juvenile adjudication cannot be used to enhance a penalty, but it can be used as an element of a crime. The state also contends that if the court were to side with Mr. Carnes it would gut the state's law prohibiting the possession of a weapon under disability.

Under the law, "there are multiple means of being placed under a disability that do not include the right to a jury trial: being a fugitive from justice, being under indictment for a felony offense of violence, being under indictment for a felony drug offense, being drug dependent or in danger of drug dependence, being a chronic alcoholic, and being adjudicated mentally incompetent. Just as is the case with a juvenile adjudication, none of those situations carries a right to a jury trial - state," the state writes.

The Cuyahoga County Prosecutor's Office has also asked the court to affirm the First District ruling.

"Persons who commit violent felony offenses are considered bad risks who should not be allowed to legally possess a firearm. The fact that a person who commits the violent felony offense as a juvenile does not make that person any less of a bad risk," it wrote in an amicus brief.

"But Ohio's weapons disability law recognizes that people can turn their lives around and become law-abiding citizens after committing a single indiscretion or even after committing a series of crimes decades ago. That person can legally possess a firearm after following the appropriate statutory remedy; but until that time, the person should not be able to possess a firearm under Ohio law."

Three district court judges will be involved in the case because Justice Sharron Kennedy, Justice Patrick Fischer and Justice Patrick DeWine have recused themselves.

Justice DeWine concurred in judgement only with the First District's opinion upholding the trial court's decision to deny the motion to dismiss the charge.

The high court is set to hear two other cases Tuesday, it reported:

- In *Ohio Bureau of Workers' Compensation v. Cirino*, it will hear a case involving a Bureau of Workers' compensation beneficiary challenging the electronic payment program because he is charged fees by his bank. The state argues the case must be filed in the Court of Claims.
- A Columbus attorney is facing a six-month stayed suspension for failure to keep and maintain required financial records in the case of *Columbus Bar Association v. Keating*.

### **Ohio Groups Debate Trump's Short-Term Health Plan Proposal**

A Trump administration proposal to expand options for short-term health insurance is designed to give consumers more options in the marketplace without the regulatory burden of current plans.

Opponents say it could lead to more limited coverage and raise premiums for people on standard exchange plans.

The proposal by the federal Centers for Medicare and Medicaid Services, announced last week, would allow short-term, limited-duration health insurance plans to provide coverage for up to 12 months, up from the current maximum of three months.

These plans are not required to meet the federal requirements for individual health insurance, such as providing essential health benefits or coverage for people with pre-existing conditions.

"In a market that is experiencing double-digit rate increases, allowing short-term, limited-duration insurance to cover longer periods gives Americans options and could be the difference between someone getting coverage or going without coverage at all," CMS Administrator Seema Verma said in a statement.

In Ohio, the move will provide more competition in the marketplace for health insurance, said Greg Lawson, research fellow at the Buckeye Institute.

"It's not going to be a perfect fit for everybody, but for those individuals that it works for, this could be something that could work for you, and it would be a cheaper alternative than being forced into the exchange," he said in an interview.

Critics say the change will erode coverage for people who sign up for the short-term plans and drive up premiums for those who need the more comprehensive coverage of Affordable Care Act-compliant plans.

"These short-term plans are likely to be harmful in the long run," said Steven Wagner, executive director of UHCAN Ohio. "Since they may lack meaningful coverage, people may find that their health care costs are not covered or face substantial out of pocket costs. These plans are a step in the wrong direction."

A report by the Urban Institute estimated the change would lead to an increase of 2.5 million people without minimum essential health care coverage by 2019, and an increase of 18.2% in 2019 premiums for ACA-compliant nongroup insurance plans.

The changes would allow people to shop around for the coverage they want, Mr. Lawson said. The Buckeye Institute and others have criticized the ACA exchanges for placing burdensome regulations on insurers and raising premiums.

"In general, what this will allow is you can have more barebones type policies that are more affordable," he said. "I don't think this is necessarily the pathway that we would prefer to see on a permanent basis but given the fact that the affordable care act is still the law of the land, this does give some breathing space."

Mr. Wagner said those requirements ensure people have comprehensive insurance coverage. He called the latest change part of an effort to eliminate coverage requirements created under the ACA.

"The Trump Administration is eating away at the foundations of health care coverage like termites in the foundation," he said. "This change along w the ability to alter the essential health benefits weakens people's access to quality affordable health care."

#### **Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel**

The Tax Credit Authority on Monday approved incentives for four projects that promise to create a total of 475 jobs and retain another 1,405 positions, the Development Services Agency reported.

The \$2.81 million in tax credits, an estimate that depends on the companies meeting their hiring goals and other criteria, are projected to help trigger \$41 million in investments and result in more than \$24 million in new payroll, according to the state.

Topping the list in terms of impacted jobs and tax credit value is the \$2.325 million incentive for **Airstream, Inc.** in the Village of Jackson Center in Shelby County.

The designer and manufacturer of travel trailers and touring coaches expects to create 280 full-time positions generating \$14.8 million in new payroll while retaining \$57.2 million in payroll with its expansion project. The TCA approved a 1.874%, nine-year Job Creation Tax Credit for the plans.

The other approved projects (estimated tax credit values) are:

**Sedgwick Claims Management Services, Inc.** of Hilliard (Franklin Co.). The provider of claims, productivity, managed care, risk consulting and other services expects to create 109 full-time positions generating \$4.3 million in new payroll while retaining \$13.4 million in payroll. The expansion plans attracted a tax credit of 1.31% over seven years (\$400,000).

**Veeva Systems Inc.** of Dublin (Franklin Co.) plans 46 new jobs, \$3.5 million in new payroll and the retention of \$2.1 million in payroll with its expansion. TCA awarded a 1.62%, seven-year tax credit for the project (\$355,000).

**Modular Assembly Innovations LLC** of Allen Township (Union Co.), which plans 40 new jobs, \$1.4 million in new payroll and the retention of \$7.6 million in payroll. The provider of manufacturing and modular assembly services to the automotive industry was awarded a 1.055%, six-year JCTC (\$90,000).

### **Kasich Declares Emergency As Flood Risks Continue**

Two days after Gov. John Kasich declared a state of emergency in 17 counties, areas of Ohio are continuing to grapple with flooding.

On Saturday, the governor issued his emergency declaration in the face of flooding - particularly along the Ohio River, which was expected to crest Monday.

Although rains have stopped, flood waters linger in some areas, closing roads and posing ongoing safety risks. The National Weather Service has said flood warnings are expected to persist for several more days in the central U.S. as "numerous river systems will remain in flood stage this week."

"As the weather and flooding is expected to get worse we're staying ahead of things by taking our readiness up to the next level and declaring an emergency where we expect the worst conditions," Gov. Kasich said over the weekend. "We'll quickly add to those areas as it's needed."

Counties affected by the proclamation include: Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Jefferson, Lawrence, Monroe, Meigs, Muskingum, Scioto and Washington.

The state's Emergency Operations Center had been preparing for this round of flooding since at least Feb. 18. That's the day the Ohio EMA Watch Office began providing regular awareness reports multiple times a day to state, local and federal agencies.

In recent days meals have been provided to the elderly by the Department of Aging, emergency management liaisons have been dispatched to assist county-level operations centers, and swift water rescue teams have been positioned.

"Ohioans do a good job of looking out for each other and we're doing it again now also," Gov. Kasich said. "Teams at the local level are hard at work and state teams have been coordinating with them and supporting them over the past week."

Following the Kasich order, the EMA transitioned from assessment and monitoring to partial activation and the state's Joint Information Center was opened. That followed Ohio National Guard deployments to help install flood gates and a flood wall in Scioto County.

In recent days, state entities have assisted in providing sand bags and a water pump to communities in Lawrence County. A major rockslide on Monday closed a portion of a highway in that county, according to the Ohio Department of Transportation. State geologists were on the scene.

"I urge people to stay safe by staying informed, not taking any chances and checking in on your neighbors, especially seniors and families with young kids," the governor said. "Call your local city, county or Red Cross if there's anyone who needs help. We'll get through this as we always do, by working together."

At the same time, Attorney General Mike DeWine has issued several tips to steer residents away from flood-related scams that may arise.

"As people across Ohio assess the damage and start the clean-up process, we're reminding consumers to beware of scams," Mr. DeWine said. "Some con artists travel to affected communities to take advantage of people. They offer to help, but once they get your money, they're gone. After the flooding, we also could start to see flood-damaged vehicles entering the market. We just warn people to be careful."

#### **Cyberattack Temporarily Shuts Down State Websites, Phones**

The Department of Administrative Services is making modifications after a cyberattack blocked state websites and phone systems for multiple hours Sunday evening.

DAS spokesman Tom Hoyt said the attack was launched shortly after 5:30 p.m. Sunday and "was addressed quickly and remediated at approximately 9:50 p.m."

"It was not a breach - no personal information was compromised," Mr. Hoyt said.

Several accounts seemingly affiliated with the so-called "hacktivist" group Anonymous appear to be taking credit for the attack on social media. Anonymous-linked users posted screenshots showing error pages that appeared when trying to access state websites.

The attack was a denial-of-service attack, which is a concerted effort in which users bombard a targeted system with requests, thereby overloading and disabling it for legitimate users.

"The attack itself was educational in the sense that we now know how this type of attack is done and we can put in filters and prepare to help us be ready if it happens again," Mr. Hoyt said. This is the first time DAS has grappled with this specific method of a denial-of-service attack.

"These types of attacks can be done in different ways so we're aware of them and prepare for them," Mr. Hoyt said. "This was conducted in a different way, but once you go through that, you learn how it's done and we can prepare for the next time."

It's not the first time the state has been faced with a cyberattack.

Nearly a dozen state websites were impacted last year after hackers posted pro-ISIS messages on state homepages. That "internet graffiti-style" attack, however, was believed to be surface-level in nature with hackers not accessing the state's servers. (See Gongwer Ohio Report, June 26, 2017)

### **Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire**

The Ohio Environmental Council is pointing to a Feb. 15 explosion and fire at a Belmont County oil well as new evidence pointing to the need for increased well setbacks.

But a leading oil and gas group is accusing the council of seeking to block industry development with its latest call for new legislation.

A horizontal well operated by XTO caught fire earlier this month, causing explosions and leading to the evacuation of residents within a one mile perimeter as the well continued to leak methane and other gasses.

XTO has said it has contracted with various companies to monitor the area and oversee cleanup operations. It has also paid to house 100 households who were displaced. Those residing beyond a half mile from the site have since been moved back into their homes.

The OEC said the incident is a "wake up call" demonstrating a need to strengthen Ohio's current law requiring horizontal wells to be located at least 100 feet from rural homes.

"What this incident demonstrates is that Ohio's current setback laws for horizontal oil and gas wells are clearly insufficient and do very little to protect communities from this new wave of oil and gas development," said Melanie Houston, director of climate programs at the Ohio Environmental Council. "Given the frequency of horizontal well pad incidents in Ohio over the past five years, it is past time for Ohio lawmakers to reconsider a safer setback distance."

The group said the incident also shows the need to examine laws requiring well operators to disclose hazardous chemicals to emergency responders. That debate was a point of contention during budget talks last year. (See Gongwer Ohio Report, April 14, 2017)

"State lawmakers also must close the chemical reporting loophole in Ohio law to make sure that first responders such as those responding to last week's incident can get the full accounting of chemical identities during oil and gas emergencies," Ms. Houston said.

The Ohio Oil and Gas Association, however, said 2012 legislation in that arena "created one of the most stringent regulatory programs for chemical disclosure in the nation."

That bill (SB315, 129th General Assembly) was a far-reaching energy mid-biennium review measure that strengthened requirements. But Democrats and environmental groups at the time said it didn't go far enough with its chemical disclosure provisions. (See Gongwer Ohio Report, May 24, 2012)

"The bill required chemical disclosure to all first responders, providing access to the information that they need and allowed (the Ohio Department of Natural Resources) to ask for additional chemical information when there is an incident," said Matt Hammond, OOGA's senior vice president.

As far as the idea of increased setbacks, the organization accused OEC and its allies of attempting to use a setback increase to snuff out oil and gas development.

"We have all heard the calls for increased setback distances since 2003 and found that environmental groups have supported setback distances for the sole purpose to offend the property rights of landowners and effectively block oil and gas development," Mr. Hammond said.

#### **Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...**

Sen. Joe Schiavoni (D-Boardman) and Sen. Sandra Williams (D-Cleveland) on Monday announced their intention to introduce a bill allowing for the removal of firearms from people deemed to be an imminent danger to themselves or others.

The proposal would establish an Extreme Risk Protection Order that would allow family or law enforcement to ask a court to temporarily remove firearms for up to one year.

"Family members are often the first to know when a loved one starts showing signs that they're dangerous to themselves or people around them," Sen. Schiavoni, a Democratic gubernatorial candidate, said in a statement. "Sadly, there aren't many options available to be proactive, remove weapons and prevent those moments from becoming tragedies. This bill is common sense. It provides a clear process when loved ones notice those red flags."

Five other states have similar laws. In announcing the intention to introduce the measure, the lawmakers cited Gov. John Kasich, who in a recent television interview expressed support for ERPOs.

"I am pleased to see the conversation turn and the mood shift toward sensible gun safety measures in Ohio," Sen. Williams said. "I'm also pleased to see Gov. Kasich supporting efforts to combat gun violence. We know how to reduce gun violence in America while still respecting the Second Amendment. This bill is a step forward in that direction."

**School Safety:** State Auditor Dave Yost on Monday rolled out a three-point school safety plan centered on securing buildings.

The attorney general hopeful's plan calls for a statewide inventory of security measures at all 5,200 school buildings across the state and a bond-backed program to modify them to create a single point of entry, install electronic zoned locking systems and add video cameras.

The final piece of the plan calls for the establishment of a training program for school staff volunteers with prior military or law enforcement experience.

"We need to protect our kids at school at least as well as we protect our politicians at work," Auditor Yost said in a statement. "This program takes the same proven tactics and technology we use in government offices-and many private businesses-and puts them to work in our schools, where our greatest treasures are."

**Janus Case:** A day ahead of the U.S. Supreme Court hearing oral arguments in a case that could have far-reaching implications for public sector unions, hundreds gathered on the Statehouse lawn for the "Working People's Day of Action."

The event also comes in the wake of six pieces of legislation introduced in Ohio to revise collective bargaining laws.

"The Ohio Legislative Black Caucus stands in solidarity with labor and working people," Ohio Legislative Black Caucus President and Rep. Stephanie Howse (D-Cleveland) said in a statement. "Right to Work is wrong and has no place in the state of Ohio. Fair labor practices, equitable pay, representation in the workplace and building power through unity are essential to making Ohio stronger, and should be a guaranteed right to all who are willing to work."

Buckeye Institute President Robert Alt said the questioning by Justice Anthony Kennedy during oral arguments should leave union supporters concerned.

"Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree," he said.

**Gun Control:** The gubernatorial campaign of Dennis Kucinich continues to put gun control in the spotlight.

In the latest move, Mr. Kucinich's running mate, Akron City Councilwoman Tara Samples, plans to introduce a measure to urge state lawmakers to pass a ban on assault weapons.

"Dennis and I, with the help of more than 2,000 grassroots volunteers, are working to convince every city council and every board of education all across Ohio to support getting these killing machines off our streets," she said in a statement. "I couldn't be more proud that my own community is about to become the first in Ohio to take this step."

**New Polling:** A Suffolk University/USA Today poll released Monday found strong support for additional gun restrictions, including 63% of respondents who want semi-automatic weapons banned.

Another 76% said that people treated for mental illness should be banned from owning firearms and 61% said stronger gun control law and background checks could prevent more mass shootings.

The poll also found that 62% believe schools should be required to have metal detectors and 58% believe there should be a requirement that schools have a armed police officer stationed on campus.

However, just 19% believe the prospects of Congress passing gun-control measures are good to excellent and 25% believe there is a fair chance for legislative action. Another 51% said the chances are poor.

"Voters see a Congress that is deaf to their wishes about remedying gun violence in the United States," said David Paleologos, director of the Suffolk University Political Research Center in Boston

The nationwide survey of 1,000 individuals, which has a margin of error of 3%, also found that President Donald Trump's approval rating stands at 38%, down from 47% one year ago.

"President Trump's job performance ratings have had several ups and downs in the past year, with last March's relatively strong showing coming in the aftermath of a well-received speech to Congress," Mr. Paleologos said. "The bump he got after signing the tax bill in December appears to have been overwhelmed in light of young people challenging him on gun issues and the investigation of Russian meddling in U.S elections."

**ODP Training:** The Ohio Democratic Party announced Monday that more than 110 candidates took part in its "Main Street Initiative," which provides training and support to candidates.

"What Democrats are seeing nationally, we're seeing here in Ohio, too - the unprecedented energy and enthusiasm of the grassroots is turning into record numbers of Democratic candidates running in races up and down the ballot," ODP Chairman David Pepper said in a statement. "We're proud to support our state and local candidates when they run for office, as we build our bench of great public servants. We look forward to working with our 2018 'Main Street' candidates from now through Election Day and then touting their successes once they're in office."

## Governor's Appointments

**State Auctioneers Commission:** Theresa M. Blocher of Paris for a term beginning February 26, 2018, and ending October 9, 2020.

**Board of Nursing:** Lauralee S. Krabill of Sandusky and Patricia A. Sharpnack of Chardon for terms beginning February 26, 2018, and ending December 31, 2021

**Supplemental Event Planner**

**Monday, March 5**

**One Ohio Now news conference opn state data ahead of the State of the State Address, Ladies Gallery, Statehouse, Columbus, 1 p.m.**

**Wednesday, March 7**

**Rep. Martin J. Sweeney (D-Cleveland) fundraiser, Dempsey's, 346 S. High St., Columbus, 5:30 p.m., (Marty, We Love You; \$1,000-\$5,000; Best Buddy; \$500; Good Pal; \$100 Friend; \$25 to Friends of Martin J. Sweeney)**

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## OHIO REPORT MONDAY, FEBRUARY 26

**\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues**

**Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit**

**Nearly \$29M In State IT Funding Clears Controlling Board**

**Adult Charge Stemming From Juvenile Conviction Challenged At High Court**

**Ohio Groups Debate Trump's Short-Term Health Plan Proposal**

**Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel**

**Kasich Declares Emergency As Flood Risks Continue**

**Cyberattack Temporarily Shuts Down State Websites, Phones**

**Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire**

**Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...**

**Governor's Appointments**

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## **ACTIVITY REPORTS**

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## Daily Activity Planner for Tuesday, February 27

### Legislative Committees

Senate Transportation, Commerce & Workforce (Committee Record) (Chr. LaRose, F., 466-4823), Finance Hearing Rm., 9:30 a.m.

HB 159 **MONTH DESIGNATION** (Riedel, C.) To designate May as "Drive Ohio Byways Month." (1st Hearing-Sponsor)

HB 195 **WHEELCHAIR TRANSPORTS** (Ingram, C., Seitz, B.) To modify the provisions concerning the transport of persons who require the use of a wheelchair or other mobility aid in nonemergency circumstances. (3rd Hearing-All testimony-Possible amendments & vote)

HCR 19 **HATE GROUPS** (Leland, D., Greenspan, D.) To denounce and oppose the totalitarian impulses, violent terrorism, xenophobic biases, and bigoted ideologies that are promoted by white nationalists and neo-Nazis, to urge law enforcement to recognize white nationalist and neo-Nazi groups as terrorist organizations, and to pursue the criminal elements of these domestic terrorist organizations in the same manner and with the same fervor used to protect the United States from other manifestations of terrorism. (2nd Hearing-Proponent)

HB 336 **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative. (2nd Hearing-Proponent)

HB 250 **ELECTRIC BICYCLES** (Brinkman, T.) To establish requirements for the use of electric bicycles. (1st Hearing-Sponsor)

Senate Local Government, Public Safety & Veterans Affairs (Committee Record) (Chr. Uecker, J., 466-8082), South Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointment of Scott Arthur, State Board of Emergency Medical, Fire and Transportation Services

HB 307 **MONTH DESIGNATION** (Gonzales, A.) To designate September as "We Card Month." (2nd Hearing-Proponent)

HB 229 **DAY DESIGNATION** (Romanchuk, M., Wiggam, S.) To designate February 3 as "Charles Follis Day." (2nd Hearing-Proponent)

HB 202 **AWARENESS DAY** (Thompson, A.) To designate the first Saturday of May as "Veterans Suicide Awareness Day." (2nd Hearing-Proponent)

SB 106 **SMOKING** (Tavares, C.) To prohibit smoking in a motor vehicle in which a child under six years of age is a passenger. (1st Hearing-Sponsor)

HB 194 **LICENSE PLATES** (Johnson, T., Craig, H.) To establish a program for the issuance of special license plates related to military service and awards. (4th Hearing-All testimony-Possible amendments & vote)

**House Rules & Reference (Committee Record) (Chr. Rosenberger, C., 466-3506), Rm.**

**119, 10 a.m.**

**House Ways & Means (Committee Record) (Chr. Schaffer, T., 466-8100), Rm. 121, 10 a.m.**

**SB 226** **TAX HOLIDAY (Bacon, K.)** To provide for a permanent three-day sales tax "holiday" each August during which sales of clothing and school supplies are exempt from sales and use tax. (1st Hearing-Sponsor)

**SB 22** **TAX LAWS (Peterson, B.)** To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law. (3rd Hearing-All testimony-Possible amendments, substitute & vote)

**HB 507** **TAX CREDIT (Gonzales, A.)** To allow a refundable income tax credit for parents of stillborn children. (1st Hearing-Sponsor)

**HB 488** **TAX LEVIES (Hood, R., Becker, J.)** To modify the information conveyed in election notices and ballot language for property tax levies. (1st Hearing-Sponsor & proponent)

**Senate Judiciary (Committee Record) (Chr. Bacon, K., 466-8064), North Hearing Rm., 10:15 a.m.**

- Confirmation hearing on governor's appointments of Mark Waslyshyn, Michael Staley, Brian Simms and Jay Beighley, Ohio Private Investigation and Security Services Commission

**SB 66** **CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation. (5th Hearing-All testimony-Possible vote)

**SB 231** **OFFENDER DATABASE (Gardner, R.)** To provide for a violent offender database, require violent offenders to enroll in the database, and name those provisions of the act "Sierah's Law;" to modify the membership and duties of the Ex-Offender Reentry Coalition and eliminate its repeal; to require halfway houses to use the single validated risk assessment tool for adult offenders that the Department of Rehabilitation and Correction has developed; and to provide that the notice of release from prison of specified serious offense offenders that is given to sheriffs is to be the same as that provided to prosecuting attorneys and eliminate the notice to sheriffs regarding pardons, commutations, paroles, and transitional control transfers of offenders. (2nd Hearing-Possible amendments)

**SB 171** **PROTECTION ORDERS** (Hottinger, J.) To increase the penalty that applies to the offense of violating a protection order under certain circumstances and to require electronic monitoring of those convicted of violating certain protection orders to be carried out by probation agencies. (3rd Hearing-All testimony-Possible amendments)

**SB 195** **DOGS LAW** (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (3rd Hearing-All testimony-Possible amendments)

**SB 244** **PROSTITUTION** (Dolan, M., Manning, G.) To amend the penalties for promoting prostitution. (2nd Hearing-Proponent)

**House Finance** (Committee Record) (**Chr. Smith, R., 466-1366**), Rm. 313, 11 a.m.

**HB 529** **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (1st Hearing-Sponsor-Pending referral)

**HB 508** **OHIO CORPS** (Ryan, S., Reineke, B.) To establish the OhioCorps Pilot Project and to make an appropriation. (2nd Hearing-Proponent)

**HB 378** **BROADBAND GRANTS** (Smith, R., Cera, J.) To create the Ohio Broadband Development Grant Program and to make an appropriation. (5th Hearing-All testimony-Possible substitute)

**House Economic Development, Commerce & Labor** (Committee Record) (**Chr. Young, R., 644-6074**), Rm. 113, 1:30 p.m.

**HB 504** **INTERIOR DESIGNERS** (Pelanda, D.) Regarding interior designers. (1st Hearing-Sponsor)

**HB 263** **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation. (6th Hearing-All testimony-Possible vote)

**HB 211** **HOME INSPECTORS** (Hughes, J.) To require the licensure of home inspectors and to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors. (5th Hearing-All testimony-Possible vote)

**HB 433** **VETERINARY EDUCATION** (Kelly, B., Brinkman, T.) To allow a licensed veterinarian to receive up to two continuing education credits per biennium for performing free spaying and neutering services. (2nd Hearing-Proponent)

**House Criminal Justice** (Committee Record) (**Chr. Manning, N., 644-5076**), Rm. 114, 1:30 p.m.

**HB 457** **DRUG TREATMENT** (Antani, N.) To require that an offender serving a community control sanction or a parolee who fails a drug test for heroin,

fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days. (2nd Hearing-Proponent)

**HB 391** **ECONOMIC LOSSES** (Merrin, D.) To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted. (4th Hearing-All testimony-Possible amendments & substitute)

**House State & Local Government** (Committee Record) (**Chr. Anielski, M., 644-6041**), Rm. 017, 2 p.m.

**HB 454** **CEMETERY LOTS** (Patterson, J., Arndt, S.) To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (5th Hearing-All testimony-Possible vote)

**HR 299** **DRUG USE** (Young, R., Ginter, T.) To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (3rd Hearing-All testimony-Possible vote)

**HB 483** **WEEK DESIGNATION** (Patterson, J.) To designate the second week of October as "Ohio Covered Bridge Week." (2nd Hearing-All testimony)

**HB 484** **HEALTH DISTRICTS** (Brenner, A.) To authorize city and general health districts to use credit cards in accordance with prescribed requirements. (1st Hearing-Sponsor)

**HB 492** **STATE PROCUREMENT** (Gonzales, A.) To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals. (1st Hearing-Sponsor)

**HB 493** **MINORITY ENTERPRISES** (Gonzales, A.) To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises. (1st Hearing-Sponsor)

**HB 500** **TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law. (1st Hearing-Sponsor)

**House Government Accountability & Oversight** (Committee Record) (**Chr. Blessing, L., 466-9091**), Rm. 313, 2 p.m.

- Note time & room change.

**HB 382** **UNEMPLOYMENT COMPENSATION** (Schuring, K.) To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (15th Hearing-All testimony)

**HJR 4** **UNEMPLOYMENT COMPENSATION** (Schuring, K.) Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose is or will be depleted or to repay outstanding advances made by the federal government to the unemployment compensation program. (15th Hearing-All testimony)

**HB 512** **EDUCATION DEPARTMENT** (Reineke, B.) To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education. (2nd Hearing-Proponent)

**HB 451** **PUBLIC RECORDS** (Rutherford, W.) To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (4th Hearing-All testimony-Possible vote)

**SB 223** **USED TIRES** (LaRose, F.) To prohibit the installation of unsafe used tires on certain motor vehicles. (4th Hearing-All testimony-Possible amendments & vote)

**SB 10** **PRIMARY ELECTIONS** (LaRose, F.) To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible substitute)

**HB 506** **DOG BREEDERS** (Hill, B.) To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)

**HB 469** **TAX CREDIT** (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects. (2nd Hearing-Proponent)

**HB 489** **FINANCIAL INSTITUTIONS** (Dever, J.) To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (1st Hearing-Sponsor-Possible amendments)

**SB 139** **LEGAL MATERIALS** (Skindell, M., Eklund, J.) To adopt the Uniform Electronic Legal Material Act. (1st Hearing-Sponsor)

**HB 450** **HEALTH BENEFITS** (Antani, N.) To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. (2nd Hearing-Proponent)

**HB 342** **TAX LEVIES** (Merrin, D.) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (4th Hearing-All testimony)

**Senate Finance** (Committee Record) (Chr. Oelslager, S., **466-0626**), **Finance Hearing Rm., 2:30 p.m.**

- Confirmation hearing on governor's appointments of Pamela Mowry, North Central State College Board of Trustees and Jo Ann Davidson and Ranjan Manoranjan, Ohio Casino Control Commission

**SB 266** **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. (Presentation from OBM Director Tim Keen)

**HB 168** **CEMETERY REGISTRATION** (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (4th Hearing-All testimony-Possible vote)

**HB 251** **SUBDIVISION INVESTMENTS** (Greenspan, D.) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (4th Hearing-All testimony-Possible vote)

**Senate Health, Human Services & Medicaid** (Committee Record) (Chr. Burke, D., **466-8049**), **South Hearing Rm., 3:15 p.m.**

**SB 218** **MEDICAID PROVIDERS** (Lehner, P.) Regarding surety bonds and minimum training for certain Medicaid providers. (1st Hearing-Sponsor-Possible amendments)

**HB 332** **ANATOMICAL GIFTS** (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on the basis of disability. (1st Hearing-Sponsor)

**HB 340** **PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (1st Hearing-Sponsor)

**SB 233** **COTTAGE FOOD PRODUCTION** (Thomas, C.) To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (2nd Hearing-Proponent)

**HB 111** **MENTAL HEALTH COMMITMENTS** (Carfagna, R., Ryan, S.) To authorize certain advanced practice registered nurses to have a person involuntarily

transported to a hospital for a mental health examination. (4th Hearing-All testimony-Possible amendments)

**House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.**

**HB 502** **YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in public schools. (1st Hearing-Sponsor)

**HB 503** **YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in private schools. (1st Hearing-Sponsor)

**HB 318** **SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.)** To define the necessary qualifications and responsibilities of school resource officers. (3rd Hearing-All testimony-Possible substitute & vote)

**HB 428** **STUDENT EXPRESSION (Ginter, T., LaTourette, S.)** Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018." (3rd Hearing-Opponent)

**HB 491** **EDUCATION LICENSE (Edwards, J.)** To require the State Board of Education to issue a substitute license to specified pupil services personnel. (2nd Hearing-All testimony)

**HB 360** **BULLYING (Greenspan, D.)** To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (4th Hearing-Possible substitute)

**Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 4 p.m.**

**SR 342** **COLUMBUS CREW (Kunze, S.)** To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus. (2nd Hearing-All testimony-Possible vote)

**SB 221** **AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof. (3rd Hearing-Opponent-Possible amendments)

**HB 226** **FIREWORKS (Seitz, B., Sweeney, M.)** To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (2nd Hearing-Proponent)

**SB 239** **REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments. (3rd Hearing-Opponent)

**Agency Calendar**

**Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road,  
Training Room 1, Reynoldsburg, 8:30 a.m.**

**Event Planner**

**State Auditor Dave Yost and GOP lawmakers news conference on Medicaid  
compliance, Press Briefing Rm., Statehouse, Columbus, 10 a.m.**

**Ohio Lobbying Association Annual Meeting & Legislative Reception, Sheraton  
Columbus at Capital Square, 75 E. State St., Columbus, 4 p.m., (4:00 pm - Annual  
Meeting for OLA Members; 5:00 pm - Legislative Reception. More info and to  
register: [http://bit.ly/2018\\_OLA\\_AM](http://bit.ly/2018_OLA_AM))**

**Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front  
Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to  
Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or  
[jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))**

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## Senate Activity for Monday, February 26, 2018

### INTRODUCED

**SB 266** ■ **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020.

Gongwer Coverage

**SB 267** ■ **SOLICITING** (Brown, E., Kunze, S.) To increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund. Am. 2907.24 and 5101.87

### SENATE PRESIDENT'S APPOINTMENTS

Joint Education Oversight Committeee; Senator Gayle Manning as chair

### DELIVERED TO THE GOVERNOR

**SB 144** ■ **DISABILITIES COUNCIL** (Burke, D.) To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

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## House Activity for Monday, February 26, 2018

### INTRODUCED

**HB 526** ■ **SCHOOL SAFETY** (DeVitis, T., Sweeney, M.) To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64

**HB 527** ■ **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. Am. 2111.132

**HB 528** ■ **CORPSE ABUSE** (Smith, R., Rezabek, J.) To expand the penalties for abuse of corpse offenses. Am. 2927.01 and 2929.13

**HB 529** ■ **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30,2020. Am. 164.05  
Gongwer Coverage

### HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Representative LaTourette; appoint Representative Lang.

### DELIVERED TO THE GOVERNOR

**HB 45** ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

**HB 79** ■ **FIREARMS TRAINING** (Rutherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement

agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

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## **Volume #87, Report #38 -- Monday, February 26, 2018**

### **\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues**

The General Assembly is doubling its prior financial commitments for behavioral and mental health infrastructure in the capital appropriations budget that was introduced Monday.

The bill includes \$2.62 billion in new spending on bricks-and-mortar projects as well as a yet-to-be-disclosed amount of reappropriations for ongoing capital projects approved in prior biennia. The bill covers spending in Fiscal Years 2019-2020.

Companion House and Senate measures (HB 529 & SB 266) allocate \$222 million for health and human services, developmental disabilities, mental health, addiction treatment and women's health initiative facilities over the next two fiscal years.

The fast-tracked budget, which will receive first hearings in both chambers on Tuesday, also includes \$150 million in community projects - \$20 million more than the original funding target - \$600 million for school facilities, \$514 million for local infrastructure projects and \$483 million for public colleges and universities.

The state will issue bonds to fund the spending.

The expanded health and human services support funding was added in response to the growing impact of the opiate epidemic, Senate President Larry Obhof (R-Medina) said.

"So where in the prior budgets you may have seen a few of these pop up, I think it's on the minds of a lot of people and we all recognize that these are some of the more important issues facing the state of Ohio and these are some of the things we chose to prioritize."

Some of the projects set to receive a chunk of the \$222 million are Alvis House and Maryhaven in Columbus, President Obhof said. The respective \$300,000 and \$125,000 projects would add about 260 additional treatment beds for addicts in Franklin County.

"We see these things throughout the state and not just in Franklin County, in Cuyahoga and Hamilton counties but in some of rural areas as well," Sen. Obhof said. "There are number of requests that are being funded from members throughout the state of Ohio for things like that."

Of the total allocation for such infrastructure plans, \$20 million will be provided through competitive grants, which were proposed by Gov. John Kasich. (See Gongwer Ohio Report, February 12, 2018)

So-called community resiliency projects that focus on expanding spaces for youth programming would receive the funding, said Senate Finance Committee Chairman Scott Oelslager (R-N. Canton). The Department of Mental Health and Addiction Services and local groups will likely select the recipients.

"We recognize the need there and listened very carefully to the community," he said of the funding dedicated to combatting the opiate epidemic and related issues.

While that area of the budget saw a boost, overall capital appropriations shrunk by about \$10 million from the last budget, Sen. Obhof said. He's hopeful, however, that it will have a similar reach.

"We think that due to sound fiscal management and the hard work we put in in the main operating budget last year, we do have the capacity for the bonding and the funding of various projects throughout the state that you see in the bill," he told reporters after the legislation was introduced.

Leaders of both parties in each chamber worked together to iron out the details prior to the measure's introduction Monday, making it ripe for quick passage.

President Obhof said he expects a Senate vote on the House version - which will serve as the vehicle for the budget - in the week before spring break, which is set to begin in late March.

Local projects were brought forward by individual members for consideration while community colleges and universities created their own priority funding packages. (See Gongwer Ohio Report, November 22, 2017)

"This capital budget will give the legislature a tremendous opportunity to address several infrastructure and construction projects that will generate a positive return on investment for communities all across the state," Speaker Cliff Rosenberger (R-Clarksville) said in a statement. "I want to commend the members of the legislature and local leaders for their collaboration and commitment to helping improve the lives of so many Ohioans through this legislation."

The capital budget has historically drawn bipartisan support as lawmakers look to support money funneled to projects in their communities. That trend is expected to continue this year.

"As legislators, we review capital budget applications, meet with individuals and organizations and visit project sites. You can't help but become passionate about what we can do to invest in Ohio's infrastructure and improve the community," Senate Minority Leader Kenny Yuko (D-Richmond Heights) said. "Although it's unfortunate that we can't fund every much-needed community project that comes to our attention, I am happy with the progress that will be made through the capital budget."

If the capital bill process follows those of prior years, no major changes will occur during deliberations unless there are problems with the bill. The last several capital budgets passed with few if any amendments once they were introduced.

### **Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit**

Attorney General Mike DeWine on Monday announced that he has filed a lawsuit against four drug distributors for their role in the opioid epidemic.

The lawsuit, filed in Madison County Common Pleas Court, alleges that the drug distributors were negligent in over-supplying addictive opioid prescription drugs.

"We believe the evidence will show that these companies ignored their duties as drug distributors to ensure that opioids were not being diverted for improper use. They knew the amount of opioids allowed to flow into Ohio far exceeded what could be consumed for medically-necessary purposes, but they did nothing to stop it," AG Mike DeWine said in a statement.

"And much like the drug manufacturers who continue to fail to do the right thing, these distributors are doing precious little to take responsibility for their actions and help pay for the damage they have caused."

Named in the lawsuit are McKesson Corporation, Cardinal Health and its subsidiaries, AmerisourceBergen Drug Corporation and Miami-Luken, Inc.

Cardinal Health in a statement said it has been cooperating to "alleviate the public health crisis and save lives" through a multi-state effort led by 40 attorneys general and a multi-jurisdictional effort in Cleveland.

"We are extremely disappointed that Attorney General DeWine chose to go outside of these established processes at this critical moment in time to file this unfounded lawsuit," the company said in a statement.

The company went on to say that it cares deeply about the opioid epidemic and that there must be work toward meaningful solutions.

"This is why we launched our Opioid Action Program which augments our substantial efforts to combat opioid abuse and is providing funds and support for take back efforts, Narcan giveaways for first responders, and grants for communities looking to find holistic solutions to this public health issue throughout Ohio," it said.

"Cardinal Health has made a significant investment in state-of-the-art controls to effectively combat the diversion of pain medications from legitimate uses. We believe this kind of effort and investment, and not baseless litigation, is the way to alleviate this problem."

The lawsuit alleges that the companies fueled the opioid epidemic by distributing enough of the drugs to fill more than 11.8 million prescriptions from 2011 to 2016, amounting to dosages that averaged more than 739 million each year.

The drug epidemic has resulted in annual damages in excess of \$1 billion, the lawsuit alleges. Those costs include medical care; treatment for infants born with opioid-related medical conditions; public safety measures; substance abuse prevention; and welfare and social services for the children of addicted parents.

The lawsuit also alleges that more than 7,000 Ohioans have died due to the opioid crisis.

The companies "have supplied and continue to supply quantities of prescription opioids in and around Ohio without taking proper measures based on their actual or constructive knowledge that individuals were consuming opioids for non-medical purposes," the lawsuit reads.

Among the remedies Mr. DeWine is seeking are punitive and compensatory damages.

This marks the second lawsuit the AG has filed against drug companies over the opioid crisis. (See Gongwer Ohio Report, May 31, 2017)

#### **Nearly \$29M In State IT Funding Clears Controlling Board**

Controlling Board members Monday approved more funding for state information technology projects after raising questions about performance-based contracts and the state's savings from consolidating services.

The requests from the Department of Administrative Services included one worth nearly \$24.8 million for the state's main IT services delivery line item, which has increased over the years due to the consolidation, DAS Chief Financial Officer Jennifer Leymaster told the board.

The other request, for \$4.4 million, dealt specifically with a pair of projects involving nine agencies, she said.

Rep. Scott Ryan (R-Newark) asked if the state's IT contracts have performance clauses for the timing of delivery or for the accountability of functions.

The request Monday didn't deal with specific contracts, just the appropriation changes needed to cover contract costs, Ms. Leymaster said.

"We'd be happy to see if individual contracts have the type of controls that you're asking about," she said.

Ms. Leymaster told Sen. Charleta B. Tavares (D-Columbus) that the projects are part of a broader optimization project that has saved the state more than \$160 million since its inception.

The board also approved two significant funding requests from the Development Services Agency to support affordable housing after Sen. Bill Coley (R-Liberty Twp.) asked about cost containment measures and access for people with disabilities.

The requests included \$13.6 million for the Ohio Housing Finance Agency to administer the Housing Development Assistance Program, and \$5.5 million for housing assistance programs across the state.

Kelan Craig, director of planning, preservation and development at the Ohio Housing Finance Agency, said the administration has worked to ensure projects are done effectively at low cost.

As for accessibility for people with disabilities, there are specific requirements for projects targeted at seniors and for permanent supportive housing developments, but not for standard affordable housing, he said.

"Let's just watch that and make sure we don't have a problem with that," Sen. Coley said.

A request by the Department of Mental Health and Addiction Services for \$1.1 million to replace the emergency generator at Appalachian Behavioral Healthcare in Athens was approved after Sen. Coley asked about the hospital's involvement in plans to participate in peak demand emergency programs.

Stephen Wilson, legislative liaison for ODMHAS, said the state found it would only save a couple thousand dollars to participate in the utility's peak demand program, while placing strict requirements on hospital staff.

Sen. Coley said the programs can help other facilities, such as industries and schools, when the power goes down.

"Hospitals around the state are finding great benefits to these programs," he said.

In total, the board approved 82 requests for funding.

Other items approved included: (Agenda)

- \$2.9 million - Central State University - for repair and modernization of the Hallie Q. Brown Memorial Library.
- \$11.7 million - Cleveland State University - to contract for an addition project at Fenn Hall.

- \$1.9 million - Cuyahoga Community College - to buy 12.82 acres of real estate in Euclid for the expansion of the Transportation, Distribution and Logistics Academy.
- \$1 million - Adjutant General's Department - for masonry renovation and HVAC work at the Hamilton Readiness Center in Butler County.
- \$4.6 million - DAS - for administration of the Multi-Agency Radio Communication System.
- \$2.3 million - Department of Agriculture - for lab supplies and equipment.
- \$1.1 million - Department of Mental Health & Addiction Services - for emergency generator replacement at Appalachian Behavioral Healthcare in Athens.
- \$1.6 million - Bureau of Motor Vehicles - for federal grants to purchase and install document scanners and update existing computer systems to confirm commercial driver's license applicants provided proof of citizenship or permanent residency.
- \$10.5 million - Facilities Construction Commission - for master facilities plan amendments from Elida Local School District and Bloom-Carroll Local School District.

### **Adult Charge Stemming From Juvenile Conviction Challenged At High Court**

Can a juvenile adjudication be used to satisfy an element of a crime committed as an adult?

Anthony Carnes will argue that it can't in a case the Ohio Supreme Court is set to hear Tuesday.

Mr. Carnes was charged with a third-degree felony offense of weapon-under-disability based on a 1994 juvenile adjudication. He moved to have the charge dismissed, but the trial court denied his motion.

The First District Court of Appeals upheld the trial court's decision. But Mr. Carnes argued that both court erred in their decisions.

"Simply put, juvenile adjudications are not criminal convictions and should not be viewed as such. This conclusion is reinforced by the fact that Ohio's juvenile system uses two different approaches, one mandatory and one discretionary, to transfer its most severe offenders into the adult system, and has a process to include an adult sentence with a juvenile rehabilitation for the next most serious level of offenders," his merit brief reads.

"In line with that approach, this court has prohibited juvenile adjudications from increasing punishment for subsequent adult conduct. Given that framework, it is incongruous for such adjudications to be permitted to turn what would otherwise be lawful conduct into a crime. Thus, a juvenile adjudication should not be deemed to meet an element of an offense charged against an adult."

The Juvenile Law Center and the Buckeye Firearms Association both weighed in on the case on behalf of Mr. Carnes.

"Individuals with Ohio juvenile adjudications do not fit into the long standing prohibition on the possession of firearms by felons because they simply are not felons by definition," the BFA wrote in its amicus brief.

The state, however, argues that a juvenile adjudication cannot be used to enhance a penalty, but it can be used as an element of a crime. The state also contends that if the court were to side with Mr. Carnes it would gut the state's law prohibiting the possession of a weapon under disability.

Under the law, "there are multiple means of being placed under a disability that do not include the right to a jury trial: being a fugitive from justice, being under indictment for a felony offense of violence, being under indictment for a felony drug offense, being drug dependent or in danger of drug dependence, being a chronic alcoholic, and being adjudicated mentally incompetent. Just as is the case with a juvenile adjudication, none of those situations carries a right to a jury trial - state," the state writes.

The Cuyahoga County Prosecutor's Office has also asked the court to affirm the First District ruling.

"Persons who commit violent felony offenses are considered bad risks who should not be allowed to legally possess a firearm. The fact that a person who commits the violent felony offense as a juvenile does not make that person any less of a bad risk," it wrote in an amicus brief.

"But Ohio's weapons disability law recognizes that people can turn their lives around and become law-abiding citizens after committing a single indiscretion or even after committing a series of crimes decades ago. That person can legally possess a firearm after following the appropriate statutory remedy; but until that time, the person should not be able to possess a firearm under Ohio law."

Three district court judges will be involved in the case because Justice Sharron Kennedy, Justice Patrick Fischer and Justice Patrick DeWine have recused themselves.

Justice DeWine concurred in judgement only with the First District's opinion upholding the trial court's decision to deny the motion to dismiss the charge.

The high court is set to hear two other cases Tuesday, it reported:

- In *Ohio Bureau of Workers' Compensation v. Cirino*, it will hear a case involving a Bureau of Workers' compensation beneficiary challenging the electronic payment program because he is charged fees by his bank. The state argues the case must be filed in the Court of Claims.
- A Columbus attorney is facing a six-month stayed suspension for failure to keep and maintain required financial records in the case of *Columbus Bar Association v. Keating*.

### **Ohio Groups Debate Trump's Short-Term Health Plan Proposal**

A Trump administration proposal to expand options for short-term health insurance is designed to give consumers more options in the marketplace without the regulatory burden of current plans.

Opponents say it could lead to more limited coverage and raise premiums for people on standard exchange plans.

The proposal by the federal Centers for Medicare and Medicaid Services, announced last week, would allow short-term, limited-duration health insurance plans to provide coverage for up to 12 months, up from the current maximum of three months.

These plans are not required to meet the federal requirements for individual health insurance, such as providing essential health benefits or coverage for people with pre-existing conditions.

"In a market that is experiencing double-digit rate increases, allowing short-term, limited-duration insurance to cover longer periods gives Americans options and could be the difference between someone getting coverage or going without coverage at all," CMS Administrator Seema Verma said in a statement.

In Ohio, the move will provide more competition in the marketplace for health insurance, said Greg Lawson, research fellow at the Buckeye Institute.

"It's not going to be a perfect fit for everybody, but for those individuals that it works for, this could be something that could work for you, and it would be a cheaper alternative than being forced into the exchange," he said in an interview.

Critics say the change will erode coverage for people who sign up for the short-term plans and drive up premiums for those who need the more comprehensive coverage of Affordable Care Act-compliant plans.

"These short-term plans are likely to be harmful in the long run," said Steven Wagner, executive director of UHCAN Ohio. "Since they may lack meaningful coverage, people may find that their health care costs are not covered or face substantial out of pocket costs. These plans are a step in the wrong direction."

A report by the Urban Institute estimated the change would lead to an increase of 2.5 million people without minimum essential health care coverage by 2019, and an increase of 18.2% in 2019 premiums for ACA-compliant nongroup insurance plans.

The changes would allow people to shop around for the coverage they want, Mr. Lawson said. The Buckeye Institute and others have criticized the ACA exchanges for placing burdensome regulations on insurers and raising premiums.

"In general, what this will allow is you can have more barebones type policies that are more affordable," he said. "I don't think this is necessarily the pathway that we would prefer to see on a permanent basis but given the fact that the affordable care act is still the law of the land, this does give some breathing space."

Mr. Wagner said those requirements ensure people have comprehensive insurance coverage. He called the latest change part of an effort to eliminate coverage requirements created under the ACA.

"The Trump Administration is eating away at the foundations of health care coverage like termites in the foundation," he said. "This change along w the ability to alter the essential health benefits weakens people's access to quality affordable health care."

#### **Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel**

The Tax Credit Authority on Monday approved incentives for four projects that promise to create a total of 475 jobs and retain another 1,405 positions, the Development Services Agency reported.

The \$2.81 million in tax credits, an estimate that depends on the companies meeting their hiring goals and other criteria, are projected to help trigger \$41 million in investments and result in more than \$24 million in new payroll, according to the state.

Topping the list in terms of impacted jobs and tax credit value is the \$2.325 million incentive for **Airstream, Inc.** in the Village of Jackson Center in Shelby County.

The designer and manufacturer of travel trailers and touring coaches expects to create 280 full-time positions generating \$14.8 million in new payroll while retaining \$57.2 million in payroll with its expansion project. The TCA approved a 1.874%, nine-year Job Creation Tax Credit for the plans.

The other approved projects (estimated tax credit values) are:

**Sedgwick Claims Management Services, Inc.** of Hilliard (Franklin Co.). The provider of claims, productivity, managed care, risk consulting and other services expects to create 109 full-time positions generating \$4.3 million in new payroll while retaining \$13.4 million in payroll. The expansion plans attracted a tax credit of 1.31% over seven years (\$400,000).

**Veeva Systems Inc.** of Dublin (Franklin Co.) plans 46 new jobs, \$3.5 million in new payroll and the retention of \$2.1 million in payroll with its expansion. TCA awarded a 1.62%, seven-year tax credit for the project (\$355,000).

**Modular Assembly Innovations LLC** of Allen Township (Union Co.), which plans 40 new jobs, \$1.4 million in new payroll and the retention of \$7.6 million in payroll. The provider of manufacturing and modular assembly services to the automotive industry was awarded a 1.055%, six-year JCTC (\$90,000).

#### **Kasich Declares Emergency As Flood Risks Continue**

Two days after Gov. John Kasich declared a state of emergency in 17 counties, areas of Ohio are continuing to grapple with flooding.

On Saturday, the governor issued his emergency declaration in the face of flooding - particularly along the Ohio River, which was expected to crest Monday.

Although rains have stopped, flood waters linger in some areas, closing roads and posing ongoing safety risks. The National Weather Service has said flood warnings are expected to persist for several more days in the central U.S. as "numerous river systems will remain in flood stage this week."

"As the weather and flooding is expected to get worse we're staying ahead of things by taking our readiness up to the next level and declaring an emergency where we expect the worst conditions," Gov. Kasich said over the weekend. "We'll quickly add to those areas as it's needed."

Counties affected by the proclamation include: Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Jefferson, Lawrence, Monroe, Meigs, Muskingum, Scioto and Washington.

The state's Emergency Operations Center had been preparing for this round of flooding since at least Feb. 18. That's the day the Ohio EMA Watch Office began providing regular awareness reports multiple times a day to state, local and federal agencies.

In recent days meals have been provided to the elderly by the Department of Aging, emergency management liaisons have been dispatched to assist county-level operations centers, and swift water rescue teams have been positioned.

"Ohioans do a good job of looking out for each other and we're doing it again now also," Gov. Kasich said. "Teams at the local level are hard at work and state teams have been coordinating with them and supporting them over the past week."

Following the Kasich order, the EMA transitioned from assessment and monitoring to partial activation and the state's Joint Information Center was opened. That followed Ohio National Guard deployments to help install flood gates and a flood wall in Scioto County.

In recent days, state entities have assisted in providing sand bags and a water pump to communities in Lawrence County. A major rockslide on Monday closed a portion of a highway in that county, according to the Ohio Department of Transportation. State geologists were on the scene.

"I urge people to stay safe by staying informed; not taking any chances and checking in on your neighbors, especially seniors and families with young kids," the governor said. "Call your local city, county or Red Cross if there's anyone who needs help. We'll get through this as we always do, by working together."

At the same time, Attorney General Mike DeWine has issued several tips to steer residents away from flood-related scams that may arise.

"As people across Ohio assess the damage and start the clean-up process, we're reminding consumers to beware of scams," Mr. DeWine said. "Some con artists travel to affected communities to take advantage of people. They offer to help, but once they get your money, they're gone. After the flooding, we also could start to see flood-damaged vehicles entering the market. We just warn people to be careful."

### **Cyberattack Temporarily Shuts Down State Websites, Phones**

The Department of Administrative Services is making modifications after a cyberattack blocked state websites and phone systems for multiple hours Sunday evening.

DAS spokesman Tom Hoyt said the attack was launched shortly after 5:30 p.m. Sunday and "was addressed quickly and remediated at approximately 9:50 p.m."

"It was not a breach - no personal information was compromised," Mr. Hoyt said.

Several accounts seemingly affiliated with the so-called "hacktivist" group Anonymous appear to be taking credit for the attack on social media. Anonymous-linked users posted screenshots showing error pages that appeared when trying to access state websites.

The attack was a denial-of-service attack, which is a concerted effort in which users bombard a targeted system with requests, thereby overloading and disabling it for legitimate users.

"The attack itself was educational in the sense that we now know how this type of attack is done and we can put in filters and prepare to help us be ready if it happens again," Mr. Hoyt said. This is the first time DAS has grappled with this specific method of a denial-of-service attack.

"These types of attacks can be done in different ways so we're aware of them and prepare for them," Mr. Hoyt said. "This was conducted in a different way, but once you go through that, you learn how it's done and we can prepare for the next time."

It's not the first time the state has been faced with a cyberattack.

Nearly a dozen state websites were impacted last year after hackers posted pro-ISIS messages on state homepages. That "internet graffiti-style" attack, however, was believed to be surface-level in nature with hackers not accessing the state's servers. (See Gongwer Ohio Report, June 26, 2017)

### **Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire**

The Ohio Environmental Council is pointing to a Feb. 15 explosion and fire at a Belmont County oil well as new evidence pointing to the need for increased well setbacks.

But a leading oil and gas group is accusing the council of seeking to block industry development with its latest call for new legislation.

A horizontal well operated by XTO caught fire earlier this month, causing explosions and leading to the evacuation of residents within a one mile perimeter as the well continued to leak methane and other gasses.

XTO has said it has contracted with various companies to monitor the area and oversee cleanup operations. It has also paid to house 100 households who were displaced. Those residing beyond a half mile from the site have since been moved back into their homes.

The OEC said the incident is a "wake up call" demonstrating a need to strengthen Ohio's current law requiring horizontal wells to be located at least 100 feet from rural homes.

"What this incident demonstrates is that Ohio's current setback laws for horizontal oil and gas wells are clearly insufficient and do very little to protect communities from this new wave of oil and gas development," said Melanie Houston, director of climate programs at the Ohio Environmental Council. "Given the frequency of horizontal well pad incidents in Ohio over the past five years, it is past time for Ohio lawmakers to reconsider a safer setback distance."

The group said the incident also shows the need to examine laws requiring well operators to disclose hazardous chemicals to emergency responders. That debate was a point of contention during budget talks last year. (See Gongwer Ohio Report, April 14, 2017)

"State lawmakers also must close the chemical reporting loophole in Ohio law to make sure that first responders such as those responding to last week's incident can get the full accounting of chemical identities during oil and gas emergencies," Ms. Houston said.

The Ohio Oil and Gas Association, however, said 2012 legislation in that arena "created one of the most stringent regulatory programs for chemical disclosure in the nation."

That bill (SB315, 129th General Assembly) was a far-reaching energy mid-biennium review measure that strengthened requirements. But Democrats and environmental groups at the time said it didn't go far enough with its chemical disclosure provisions. (See Gongwer Ohio Report, May 24, 2012)

"The bill required chemical disclosure to all first responders, providing access to the information that they need and allowed (the Ohio Department of Natural Resources) to ask for additional chemical information when there is an incident," said Matt Hammond, OOGA's senior vice president.

As far as the idea of increased setbacks, the organization accused OEC and its allies of attempting to use a setback increase to snuff out oil and gas development.

"We have all heard the calls for increased setback distances since 2003 and found that environmental groups have supported setback distances for the sole purpose to offend the property rights of landowners and effectively block oil and gas development," Mr. Hammond said.

#### **Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...**

Sen. Joe Schiavoni (D-Boardman) and Sen. Sandra Williams (D-Cleveland) on Monday announced their intention to introduce a bill allowing for the removal of firearms from people deemed to be an imminent danger to themselves or others.

The proposal would establish an Extreme Risk Protection Order that would allow family or law enforcement to ask a court to temporarily remove firearms for up to one year.

"Family members are often the first to know when a loved one starts showing signs that they're dangerous to themselves or people around them," Sen. Schiavoni, a Democratic gubernatorial candidate, said in a statement. "Sadly, there aren't many options available to be proactive, remove weapons and prevent those moments from becoming tragedies. This bill is common sense. It provides a clear process when loved ones notice those red flags."

Five other states have similar laws. In announcing the intention to introduce the measure, the lawmakers cited Gov. John Kasich, who in a recent television interview expressed support for ERPOs.

"I am pleased to see the conversation turn and the mood shift toward sensible gun safety measures in Ohio," Sen. Williams said. "I'm also pleased to see Gov. Kasich supporting efforts to combat gun violence. We know how to reduce gun violence in America while still respecting the Second Amendment. This bill is a step forward in that direction."

**School Safety:** State Auditor Dave Yost on Monday rolled out a three-point school safety plan centered on securing buildings.

The attorney general hopeful's plan calls for a statewide inventory of security measures at all 5,200 school buildings across the state and a bond-backed program to modify them to create a single point of entry, install electronic zoned locking systems and add video cameras.

The final piece of the plan calls for the establishment of a training program for school staff volunteers with prior military or law enforcement experience.

"We need to protect our kids at school at least as well as we protect our politicians at work," Auditor Yost said in a statement. "This program takes the same proven tactics and technology we use in government offices-and many private businesses-and puts them to work in our schools, where our greatest treasures are."

**Janus Case:** A day ahead of the U.S. Supreme Court hearing oral arguments in a case that could have far-reaching implications for public sector unions, hundreds gathered on the Statehouse lawn for the "Working People's Day of Action."

The event also comes in the wake of six pieces of legislation introduced in Ohio to revise collective bargaining laws.

"The Ohio Legislative Black Caucus stands in solidarity with labor and working people," Ohio Legislative Black Caucus President and Rep. Stephanie Howse (D-Cleveland) said in a statement. "Right to Work is wrong and has no place in the state of Ohio. Fair labor practices, equitable pay, representation in the workplace and building power through unity are essential to making Ohio stronger, and should be a guaranteed right to all who are willing to work."

Buckeye Institute President Robert Alt said the questioning by Justice Anthony Kennedy during oral arguments should leave union supporters concerned.

"Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree," he said.

**Gun Control:** The gubernatorial campaign of Dennis Kucinich continues to put gun control in the spotlight.

In the latest move, Mr. Kucinich's running mate, Akron City Councilwoman Tara Samples, plans to introduce a measure to urge state lawmakers to pass a ban on assault weapons.

"Dennis and I, with the help of more than 2,000 grassroots volunteers, are working to convince every city council and every board of education all across Ohio to support getting these killing machines off our streets," she said in a statement. "I couldn't be more proud that my own community is about to become the first in Ohio to take this step."

**New Polling:** A Suffolk University/USA Today poll released Monday found strong support for additional gun restrictions, including 63% of respondents who want semi-automatic weapons banned.

Another 76% said that people treated for mental illness should be banned from owning firearms and 61% said stronger gun control law and background checks could prevent more mass shootings.

The poll also found that 62% believe schools should be required to have metal detectors and 58% believe there should be a requirement that schools have a armed police officer stationed on campus.

However, just 19% believe the prospects of Congress passing gun-control measures are good to excellent and 25% believe there is a fair chance for legislative action. Another 51% said the chances are poor.

"Voters see a Congress that is deaf to their wishes about remedying gun violence in the United States," said David Paleologos, director of the Suffolk University Political Research Center in Boston

The nationwide survey of 1,000 individuals, which has a margin of error of 3%, also found that President Donald Trump's approval rating stands at 38%, down from 47% one year ago.

"President Trump's job performance ratings have had several ups and downs in the past year, with last March's relatively strong showing coming in the aftermath of a well-received speech to Congress," Mr. Paleologos said. "The bump he got after signing the tax bill in December appears to have been overwhelmed in light of young people challenging him on gun issues and the investigation of Russian meddling in U.S elections."

**ODP Training:** The Ohio Democratic Party announced Monday that more than 110 candidates took part in its "Main Street Initiative," which provides training and support to candidates.

"What Democrats are seeing nationally, we're seeing here in Ohio, too - the unprecedented energy and enthusiasm of the grassroots is turning into record numbers of Democratic candidates running in races up and down the ballot," ODP Chairman David Pepper said in a statement. "We're proud to support our state and local candidates when they run for office, as we build our bench of great public servants. We look forward to working with our 2018 'Main Street' candidates from now through Election Day and then touting their successes once they're in office."

## Governor's Appointments

**State Auctioneers Commission:** Theresa M. Blocher of Paris for a term beginning February 26, 2018, and ending October 9, 2020.

**Board of Nursing:** Lauralee S. Krabill of Sandusky and Patricia A. Sharpnack of Chardon for terms beginning February 26, 2018, and ending December 31, 2021

**Supplemental Event Planner**

**Monday, March 5**

**One Ohio Now news conference open state data ahead of the State of the State Address, Ladies Gallery, Statehouse, Columbus, 1 p.m.**

**Wednesday, March 7**

**Rep. Martin J. Sweeney (D-Cleveland) fundraiser, Dempsey's, 346 S. High St., Columbus, 5:30 p.m., (Marty, We Love You; \$1,000-\$5,000; Best Buddy; \$500; Good Pal; \$100 Friend; \$25 to Friends of Martin J. Sweeney)**

**17 S. High St., Suite 630**

**Columbus Ohio 43215**

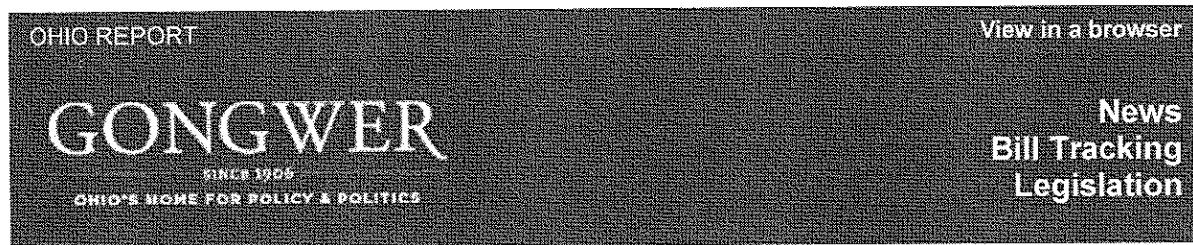
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**Click the  after a bill number to create a saved search and email alert for that bill.**

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**From:** Gongwer News Service  
**Sent:** Wednesday, June 27, 2018 10:16 PM  
**To:** DL\_Gongwer  
**Subject:** Ohio Report, Wednesday, June 27, 2018  
**Attachments:** Jun27Senate.htm; 180627dayplan.htm; Jun27.htm; Jun27House.htm



## OHIO REPORT WEDNESDAY, JUNE 27

Lake Erie, Voting Machine Funding Among Bills Headed To Governor

Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House

Senate Passes Measures Focused On Reducing Regulations

Bills Amended To Enhance Online School Oversight Head To Governor

Senate Panel Delays Vote On Energy Standards, Wind Setback Bill

Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing

High Court Strikes Down 'Agency Fees' For Public Sector Unions; Kennedy Announces Retirement

Chairman: Senate Looking For Balance With Payday Lending Measure

**Prosecutors Praise Beefed Up Parole Monitoring Bill**

**Senate Releases Session Calendar**

**Governor's Appointments**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

**Senate Committee Hearings**

**Energy & Natural Resources**

**Government Oversight & Reform**

**Finance**

**Transportation, Commerce & Workforce**

**Education**

**House Committee Hearings**

**Agriculture & Rural Development**

**Insurance**

**Government Accountability & Oversight**

**Health**

**Civil Justice**

## **ACTIVITY REPORTS**

**House**

**Senate**

## **CALENDARS**

### **Day Planner**

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## Senate Activity for Wednesday, June 27, 2018

### INTRODUCED

**SB 313** COLLEGE APPLICATION MONTH (Schiavoni, J.) To establish the College Application Month program. Am. 3314.03, 3326.11, and 3328.24 and to enact sections 3313.6024 and 3333.301.

**SB 314** SCHOOL PSYCHOLOGISTS (Schiavoni, J.) With regard to mental health services in public and nonpublic schools, to require school districts to employ school psychologists and intervention specialists, to provide an additional state payment to school districts for school psychologist and intervention specialist services, and to make an appropriation. Am. sections 3314.03 and 3326.11 and to enact sections 3301.0730, 3317.26, 3319.077, and 3319.078 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 49 of the 132nd General Assembly and Section 265.210 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended.

### PASSED

**HB 18** SPECIAL ELECTIONS (Peland, D., Rutherford, W.) to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.  
(32-0 (Earlier REPORTED-SUBSTITUTE))  
Gongwer Coverage

**HB 87** COMMUNITY SCHOOLS (Roechner, K.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of

Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school.

32-0 (Schiavoni & Skindell) Earlier REPORTED-AMENDED

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**HB 95** ■ **DISTRACTED DRIVING** (Hughes, J., Seitz, B.) To establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.

31-1 (Jordan)

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**HB 168** ■ **CEMETERY REGISTRATION** (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, to allow the Board of Embalmers and Funeral Directors to review and vote upon certain license suspensions by telephone, to make various other changes to the embalmers, funeral directors, and crematory licensing laws, and to make an appropriation.

32-0

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**HB 263** ■ **OUTDOOR DINING AREAS** (Lanese, L.) To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

32-0

[Gongwer Coverage](#)

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**HB 312** ■ **POLITICAL SUBDIVISION SPENDING** (Schuring, K., Greenspan, D.) To regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to

the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

32-0 (Earlier REPORTED-SUBSTITUTE (No testimony)

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**HB 336** ■ **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

32-0

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**HB 347** ■ **ROAD NAMING** (Kelly, B., Dever, J.) To designate multiple memorial highways.

32-0 (Earlier REPORTED-SUBSTITUTE)

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**SB 119** ■ **OPIOID MEDICATIONS** (Hackett, B., Hottinger, J.) Regarding naltrexone and medication-assisted treatment.

32-0

**Gongwer Coverage**

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**SB 229** ■ **CONTROLLED SUBSTANCES** (Eklund, J.) To modify the laws pertaining to regulation of controlled substances and to make other changes in the laws administered by the State Board of Pharmacy.

32-0

**Gongwer Coverage**

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**SB 255** ■ **OCCUPATIONAL LICENSING** (McColley, R.) To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.

24-8 (Earlier REPORTED-SUBSTITUTE)

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**SB 273** ■ **RATING AGENCIES** (Hackett, B.) To enact for the Revised Code a definition of the term "rating agency."

32-0

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**SB 293** ■ **ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions.

23-9 (Earlier REPORTED-SUBSTITUTE)

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**SCR 21** ■ **APPALACHIAN STORAGE HUB** (Balderson, T.) To urge the Congress of the United States to enact various bills advancing the development of an Appalachian storage hub.

31-1 (Skindell)

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**SCR 23** ■ **FEDERALISM** (Obhof, L., Peterson, B.) To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed.

25-7

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## **INFORMALLY PASSED**

**SB 86** ■ **DAY DESIGNATION** (Hackett, B.) To designate multiple memorial highways and bridges, to create multiple nonstandard license plates, to create multiple special designations, and to designate John Glenn's childhood home as a state historic site.

## **SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 66** ■ **CRIMINAL LAWS** (Eklund, J., Tavares, C.) To modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility

criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

29-0

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**SB 127** **WASTE COLLECTION VEHICLES (LaRose, F.)** To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

29-0

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**SB 135** **VOTING EQUIPMENT (LaRose, F.)** To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program.

31-1 (Jordan)

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**SB 216** **SCHOOL REGULATIONS (Huffman, M.)** To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

28-1 (Brown)

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**SB 220** **CYBERSECURITY (Hackett, B., Bacon, K.)** To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

29-0